

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS  
2002 AND 2003

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MAY 4, 2001.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

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Mr. HYDE, from the Committee on International Relations,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1646]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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## THE AMENDMENT

The amendment is as follows:  
Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 2002 and 2003”.

### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. Definitions.

#### TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

##### Subtitle A—Department of State

Sec. 101. Administration of foreign affairs.  
Sec. 102. International commissions.  
Sec. 103. United States educational and cultural programs.  
Sec. 104. Contributions to international organizations.  
Sec. 105. Contributions for international peacekeeping activities.  
Sec. 106. Grants to the Asia Foundation.  
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Sec. 108. Migration and refugee assistance.

##### Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

##### Subtitle C—Global Democracy Promotion Act of 2001

Sec. 131. Short title.  
Sec. 132. Findings.  
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#### TITLE II—AUTHORITIES AND ACTIVITIES OF THE DEPARTMENT OF STATE

##### Subtitle A—Basic Authorities and Activities

Sec. 201. Continuation of reporting requirements.  
Sec. 202. Continuation of other reports.  
Sec. 203. Royal Ulster Constabulary training.  
Sec. 204. Report concerning elimination of Colombian opium.  
Sec. 205. Repeal of provision regarding housing for foreign agricultural attache.  
Sec. 206. Human rights monitoring.  
Sec. 207. Correction of Fishermen’s Protective Act of 1967.  
Sec. 208. International litigation fund.  
Sec. 209. Emergency evacuation services.  
Sec. 210. Implementation of the Intercountry Adoption Act of 2000.  
Sec. 211. Report concerning the effect of Plan Colombia on Ecuador.  
Sec. 212. Report concerning efforts to promote Israel’s diplomatic relations with other countries.  
Sec. 213. Reports on activities in the Republic of Colombia.

##### Subtitle B—Consular Authorities

Sec. 231. Machine readable visas.  
Sec. 232. Establishment of a consular branch office in Lhasa, Tibet.  
Sec. 233. Establishment of a diplomatic or consular post in Equatorial Guinea.  
Sec. 234. Processing of visa applications.  
Sec. 235. United States policy with respect to Jerusalem as the capital of Israel.  
Sec. 236. Denial of visas to supporters of Colombian illegal armed groups.

##### Subtitle C—Migration and Refugees

Sec. 251. United States policy regarding the involuntary return of refugees.  
Sec. 252. Report on overseas refugee processing.

#### TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

##### Subtitle A—Organizational Matters

Sec. 301. Comprehensive workforce plan.  
Sec. 302. “Rightsizing” overseas posts.  
Sec. 303. Qualifications of certain officers of the Department of State.  
Sec. 304. United States Special Coordinator for Tibetan Issues.  
Sec. 305. United States Special Envoy for Sudan Issues.

##### Subtitle B—Personnel Matters

Sec. 331. Report concerning retired members of the Foreign Service and Civil Service who are registered agents of a government of a foreign country.  
Sec. 332. Tibetan language training.  
Sec. 333. Dependents on family visitation travel.  
Sec. 334. Thomas Jefferson Star.  
Sec. 335. Health education and disease prevention programs.  
Sec. 336. Training authorities.

Sec. 337. Foreign national retirement plans.  
 Sec. 338. Presidential rank awards.  
 Sec. 339. Emergency medical advance payments.  
 Sec. 340. Unaccompanied air baggage.  
 Sec. 341. Special agent authorities.  
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 Sec. 343. Use of funds authorized for minority recruitment.

#### TITLE IV—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE

Sec. 401. Extension of requirement for scholarships for Tibetans and Burmese.  
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 Sec. 403. Fulbright-Hays authorities.  
 Sec. 404. Ethical issues in international health research.

#### TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

Sec. 501. Eliminating staff positions for the Advisory Board for Cuba Broadcasting.  
 Sec. 502. Reports on broadcasting personnel.  
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 Sec. 505. Repeal of ban on United States transmitter in Kuwait.

#### TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

Sec. 601. United Nations arrears payments and reform.  
 Sec. 602. Travel by advisory committee members to Great Lakes Fishery Commission annual meeting.  
 Sec. 603. United States policy on composition of the United Nations Human Rights Commission.  
 Sec. 604. United States membership in the International Organization for Migration.  
 Sec. 605. Report relating to Commission on Security and Cooperation in Europe.  
 Sec. 606. Reports to Congress on United Nations activities.

#### TITLE VII—MISCELLANEOUS PROVISIONS

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Sec. 701. Amendments to the Iran Nonproliferation Act of 2000.  
 Sec. 702. Amendments to the North Korea Threat Reduction Act of 1999.  
 Sec. 703. Amendments to the International Religious Freedom Act of 1998.  
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##### Subtitle B—Sense of Congress Provisions

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 Sec. 732. Sense of Congress relating to HIV/AIDS task force.  
 Sec. 733. Sense of Congress condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime.  
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 Sec. 735. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh.  
 Sec. 736. Sense of Congress relating to display of the American flag at the American Institute in Taiwan.  
 Sec. 737. Sense of Congress regarding human rights violations in West Papua and Aceh, including the murder of Jafar Siddiq Hamzah, and escalating violence in Maluku and Central Kalimantan.  
 Sec. 738. Sense of Congress supporting properly conducted elections in Kosova during 2001.  
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 Sec. 742. Sense of Congress urging the return of portraits painted by Dina Babbitt during her internment at Auschwitz that are now in the possession of the Auschwitz-Birkenau State Museum.  
 Sec. 743. Sense of Congress regarding Vietnamese refugee families.  
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 Sec. 745. Sense of Congress relating to global warming.  
 Sec. 746. Sense of Congress regarding the ban on Sinn Fein ministers from the North-South Ministerial Council in Northern Ireland.

#### TITLE VIII—SECURITY ASSISTANCE

Sec. 801. Short title.

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 Sec. 813. Treatment of Taiwan relating to transfers of defense articles and services.  
 Sec. 814. United States policy with regard to Taiwan.

##### CHAPTER 2—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES

Sec. 821. Excess defense articles for certain European and other countries.  
 Sec. 822. Leases of defense articles for foreign countries and international organizations.  
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##### CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

Sec. 831. International counterproliferation education and training.  
 Sec. 832. Annual report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons.  
 Sec. 833. Five-year international arms control and nonproliferation strategy.

##### Subtitle B—Strengthening the Munitions Licensing Process

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Subtitle C—Authority to Transfer Naval Vessels

Sec. 851. Authority to transfer naval vessels to certain foreign countries.

Subtitle D—Miscellaneous Provisions

Sec. 861. Annual foreign military training reports.  
 Sec. 862. Report relating to international arms sales code of conduct.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) **DEPARTMENT.**—The term “Department” means the Department of State.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of State.

## **TITLE I—AUTHORIZATIONS OF APPROPRIATIONS**

### **Subtitle A—Department of State**

**SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—For “Diplomatic and Consular Programs” of the Department of State, \$3,705,140,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(B) **LIMITATIONS.**—

(i) **WORLDWIDE SECURITY UPGRADES.**—Of the amounts authorized to be appropriated by subparagraph (A), \$487,735,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 are authorized to be appropriated only for worldwide security upgrades.

(ii) **BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.**—Of the amounts authorized to be appropriated by subparagraph (A), \$16,000,000 for the fiscal year 2002 and \$20,000,000 for the fiscal year 2003 are authorized to be appropriated only for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(iii) **RECRUITMENT OF MINORITY GROUPS.**—Of the amounts authorized to be appropriated by subparagraph (A), \$2,000,000 for the fiscal year 2002 and \$2,000,000 for the fiscal year 2003 are authorized to be appropriated only for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(iv) **MOBILE LIBRARY FOR UNITED STATES INTERESTS SECTION IN CUBA.**—Of the amounts authorized to be appropriated by subparagraph (A), \$70,000 for the fiscal year 2002 and \$70,000 for the fiscal year 2003 are authorized to be appropriated only for the establishment and operation of a mobile library at the United States Interests Section in Cuba primarily for use by dissidents and democracy activists in Cuba.

(2) **CAPITAL INVESTMENT FUND.**—For “Capital Investment Fund” of the Department of State, \$210,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) **EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.**—In addition to amounts otherwise authorized to be appropriated for “Embassy Security, Construction and Maintenance” by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 604 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470), there are authorized to be appropriated for “Embassy Security, Construction and Maintenance”,

\$475,046,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$9,000,000 for the fiscal year 2002 and \$9,000,000 for the fiscal year 2003.

(5) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$15,500,000 for the fiscal year 2002 and \$15,500,000 for the fiscal year 2003.

(6) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$29,264,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(7) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$17,044,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(8) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—

(A) AMOUNTS AUTHORIZED TO BE APPROPRIATED.—For “Protection of Foreign Missions and Officials”, \$10,000,000 for the fiscal year 2002 and \$10,000,000 for the fiscal year 2003.

(B) AVAILABILITY OF FUNDS.—Each amount appropriated pursuant to this paragraph is authorized to remain available through September 30 of the fiscal year following the fiscal year for which the amount was appropriated.

(9) REPATRIATION LOANS.—For “Repatriation Loans”, \$1,219,000 for the fiscal year 2002 and \$1,219,000 for the fiscal year 2003, for administrative expenses.

#### SEC. 102. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For “International Boundary and Water Commission, United States and Mexico”—

(A) for “Salaries and Expenses”, \$7,452,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003; and

(B) for “Construction”, \$25,654,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$989,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$7,282,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$19,780,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

#### SEC. 103. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.

The following amounts are authorized to be appropriated for the Department of State to carry out international activities and educational and cultural exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

(i) IN GENERAL.—For the “Fulbright Academic Exchange Programs” (other than programs described in subparagraph (B)), \$125,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) NEW CENTURY SCHOLARS INITIATIVE—HIV/AIDS.—Of the amounts authorized to be appropriated under clause (i), up to \$1,000,000 for the fiscal year 2002 and up to \$1,000,000 for the fiscal year 2003 are authorized to be available only for HIV/AIDS research and mitigation strategies under the Health Issues in a Border-Less World academic program of the New Century Scholars Initiative.

(iii) **TIBETAN EXCHANGES.**—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2002 and \$500,000 for the fiscal year 2003 are authorized to be available for “Ngawang Choephel Exchange Programs” (formerly known as educational and cultural exchanges with Tibet) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(B) **OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**—

(i) **IN GENERAL.**—For other educational and cultural exchange programs authorized by law, \$117,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(ii) **SOUTH PACIFIC EXCHANGES.**—Of the amounts authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2002 and \$750,000 for the fiscal year 2003 are authorized to be available for “South Pacific Exchanges”.

(iii) **EAST TIMORESE SCHOLARSHIPS.**—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2002 and \$500,000 for the fiscal year 2003 are authorized to be available for “East Timorese Scholarships”.

(iv) **AFRICAN EXCHANGES.**—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2002 and \$500,000 for the fiscal year 2003 are authorized to be available only for “Educational and Cultural Exchanges with Sub-Saharan Africa”.

(v) **ISRAEL-ARAB PEACE PARTNERS PROGRAM.**—Of the amounts authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2002 and \$750,000 for the fiscal year 2003 are authorized to be available only for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the “Israel-Arab Peace Partners Program”.

(vi) **SUDANESE SCHOLARSHIPS.**—Of the amounts authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2002 and \$500,000 for the fiscal year 2003 are authorized to be available only for scholarships for students from southern Sudan for secondary or post-secondary education in the United States, to be known as “Sudanese Scholarships”.

(2) **NATIONAL ENDOWMENT FOR DEMOCRACY.**—For the “National Endowment for Democracy”, \$36,000,000 for the fiscal year 2002 and \$40,000,000 for the fiscal year 2003.

(3) **REAGAN-FASCELL DEMOCRACY FELLOWS.**—For a fellowship program, to be known as the “Reagan-Fascell Democracy Fellows”, for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, \$1,000,000 for the fiscal year 2002 and \$1,000,000 for the fiscal year 2003.

(4) **DANTE B. FASCELL NORTH-SOUTH CENTER.**—For “Dante B. Fascell North-South Center” \$4,000,000 for the fiscal year 2002 and \$4,000,000 for the fiscal year 2003.

(5) **CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**—For the “Center for Cultural and Technical Interchange between East and West”, \$13,500,000 for the fiscal year 2002 and \$13,500,000 for the fiscal year 2003.

#### **SEC. 104. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated under the heading “Contributions to International Organizations” \$944,067,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(2) **UNESCO.**—

(A) Of the amounts authorized to be appropriated under paragraph (1), \$59,800,000 for the fiscal year 2002 and \$59,800,000 for the fiscal year 2003 is authorized to be appropriated only for payment of assessed contributions of the United States to the United Nations Educational, Scientific and Cultural Organization (UNESCO).

(B) Of the amounts authorized to be appropriated under paragraph (1) for the fiscal year 2002, \$5,500,000 is authorized to be appropriated only for payments to the UNESCO Working Capital Fund.

(b) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amounts authorized to be appropriated under the heading “Contributions to International Organizations” for fiscal year 2002 and for each fiscal year thereafter such sums as may be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

(c) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—None of the funds made available for the 2002–2003 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations shall be available for the United States proportionate share of any other framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the International Criminal Court.

(d) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2002 and 2003 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection shall be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(e) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the agency concerned its proportionate share of the amount by which the total contributions to the agency exceed the expenditures of the regular assessed budgets of these agencies.

#### SEC. 105. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities” \$844,139,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003 for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

#### SEC. 106. GRANTS TO THE ASIA FOUNDATION.

Section 404 of the Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

“SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2002 and \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.”.

#### SEC. 107. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of State for “Voluntary Contributions to International Organizations”, \$186,000,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(b) LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.—

(1) WORLD FOOD PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), \$5,000,000 for the fiscal year 2002 and \$5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the World Food Program.

(2) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), \$5,000,000 for the fiscal year 2002 and \$5,000,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the United Nations Voluntary Fund for Victims of Torture.

(3) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a), \$240,000 for the fiscal year 2002 and \$240,000 for the fiscal year 2003 are authorized to be appropriated only for a United States contribution to the Organization of American States for the Office of the Special Rapporteur for Freedom of Expression in the Western Hemisphere, solely for the purpose of conducting investigations, including field visits, to establish a network of nongovernmental organizations, and to hold hemispheric conferences, of which \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Cuba, \$6,000 for each fiscal

year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Peru, \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Colombia, and \$6,000 for each fiscal year is authorized to be appropriated only for the investigation and dissemination of information on violations of freedom of expression by the Government of Haiti.

(c) **RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.**—

(1) **LIMITATION.**—Of the amounts made available under subsection (a) for each of the fiscal years 2002 and 2003 for United States voluntary contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) **CERTIFICATION.**—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(d) **UNICEF.**—There is authorized to be appropriated \$120,000,000 for the fiscal year 2002 for a United States voluntary contribution to UNICEF.

(e) **ORGANIZATIONS AND PROGRAMS THAT SUPPORT COERCIVE ABORTION OR INVOLUNTARY STERILIZATION.**—None of the funds authorized to be appropriated by this Act may be made available to any organization or program which, as determined by the President of the United States, supports, or participates in the management of, a program of coercive abortion or involuntary sterilization.

(f) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

**SEC. 108. MIGRATION AND REFUGEE ASSISTANCE.**

(a) **MIGRATION AND REFUGEE ASSISTANCE.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Department of State for “Migration and Refugee Assistance” for authorized activities, \$817,000,000 for the fiscal year 2002 and \$817,000,000 for the fiscal year 2003.

(2) **LIMITATIONS.**—

(A) **TIBETAN REFUGEES IN INDIA AND NEPAL.**—Of the amounts authorized to be appropriated in paragraph (1), \$2,000,000 for the fiscal year 2002 and \$2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(B) **REFUGEES RESETTLING IN ISRAEL.**—Of the amounts authorized to be appropriated in paragraph (1), \$60,000,000 for the fiscal year 2002 and \$60,000,000 for the fiscal year 2003 are authorized to be available only for assistance for refugees resettling in Israel from other countries.

(C) **HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.**—Of the amounts authorized to be appropriated in paragraph (1), \$2,000,000 for the fiscal year 2002 and \$2,000,000 for the fiscal year 2003 are authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(b) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to this section are authorized to remain available until expended.



## Subtitle B—United States International Broadcasting Activities

### SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated to carry out the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, and to carry out other authorities in law consistent with such purposes:

#### (1) INTERNATIONAL BROADCASTING OPERATIONS.—

(A) IN GENERAL.—For “International Broadcasting Operations”, \$428,234,000 for the fiscal year 2002, and such sums as may be necessary for the fiscal year 2003.

#### (B) LIMITATIONS.—

(i) TRANSMISSION FACILITIES IN BELIZE.—Of the amounts authorized to be appropriated under subparagraph (A), \$750,000 for the fiscal year 2002 is authorized to be appropriated only for enhancements to and costs of transmission from the facilities in Belize.

(ii) RADIO FREE ASIA.—Of the amounts authorized to be appropriated under subparagraph (A), \$30,000,000 for the fiscal year 2002 and \$30,000,000 for the fiscal year 2003 are authorized to be appropriated only for “Radio Free Asia”.

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements”, \$16,900,000 for the fiscal year 2002 and such sums as may be necessary for the fiscal year 2003.

(3) BROADCASTING TO CUBA.—For “Broadcasting to Cuba”, \$25,000,000 for the fiscal year 2002 and \$25,000,000 for the fiscal year 2003.

(b) CONTINUATION OF ADDITIONAL AUTHORIZATION FOR BROADCASTING TO THE PEOPLE’S REPUBLIC OF CHINA AND NEIGHBORING COUNTRIES.—Section 701 of Public Law 106–286 (22 U.S.C. 7001) is amended—

(1) in subsection (a) by striking “2001” and inserting “2002”; and

(2) in subsection (b)(1) by striking “2001 and 2002” and inserting “2001, 2002, and 2003”.

(c) ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), there is authorized to be appropriated \$15,000,000 for the fiscal year 2002 for the Middle East Radio Network of Voice of America.

## Subtitle C—Global Democracy Promotion Act of 2001

### SEC. 131. SHORT TITLE.

This title may be cited as the “Global Democracy Promotion Act of 2001”.

### SEC. 132. FINDINGS.

The Congress finds the following:

(1) It is a fundamental principle of American medical ethics and practice that health care providers should, at all times, deal honestly and openly with patients. Any attempt to subvert the private and sensitive physician-patient relationship would be intolerable in the United States and is an unjustifiable intrusion into the practices of health care providers when attempted in other countries.

(2) Freedom of speech is a fundamental American value. The ability to exercise the right to free speech, which includes the “right of the people peaceably to assemble, and to petition the government for a redress of grievances” is essential to a thriving democracy and is protected under the United States Constitution.

(3) The promotion of democracy is a principal goal of United States foreign policy and critical to achieving sustainable development. It is enhanced through the encouragement of democratic institutions and the promotion of an independent and politically active civil society in developing countries.

(4) Limiting eligibility for United States development and humanitarian assistance upon the willingness of a foreign nongovernmental organization to forgo its right to use its own funds to address, within the democratic process, a particular issue affecting the citizens of its own country directly undermines

a key goal of United States foreign policy and would violate the United States Constitution if applied to United States-based organizations.

(5) Similarly, limiting the eligibility for United States assistance on a foreign nongovernmental organization's willingness to forgo its right to provide, with its own funds, medical services that are legal in its own country and would be legal if provided in the United States constitutes unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

**SEC. 133. ASSISTANCE FOR FOREIGN NONGOVERNMENTAL ORGANIZATIONS UNDER PART I OF THE FOREIGN ASSISTANCE ACT OF 1961.**

Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

## **TITLE II—AUTHORITIES AND ACTIVITIES OF THE DEPARTMENT OF STATE**

### **Subtitle A—Basic Authorities and Activities**

**SEC. 201. CONTINUATION OF REPORTING REQUIREMENTS.**

(a) **REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.**—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “seventh” and inserting “eleventh”.

(b) **REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.**—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “September 30, 2001,” and inserting “September 30, 2003,”.

(c) **RELATIONS WITH VIETNAM.**—Section 2805 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “September 30, 2001,” and inserting “September 30, 2003,”.

(d) **REPORTS ON BALLISTIC MISSILE COOPERATION WITH RUSSIA.**—Section 2705(d) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “and January 1, 2001,” and inserting “January 1, 2001, January 1, 2002, and January 1, 2003”.

**SEC. 202. CONTINUATION OF OTHER REPORTS.**

(a) **SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.**—Section 704(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 704(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113, appendix G; 113 Stat. 1501A–460) is amended by striking “and 2001,” and inserting “, 2001, 2002, and 2003,”.

(b) **REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.**—Section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470) is amended by striking “October 1, 2001,” and inserting “October 1, 2003,”.

**SEC. 203. ROYAL ULSTER CONSTABULARY TRAINING.**

(a) **REPORT ON PAST TRAINING PROGRAMS.**—Section 405(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000

and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–447) is amended in the matter preceding paragraph (1)—

(1) by striking “The President” and inserting “Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President”; and

(2) by striking “during fiscal years 1994 through 1999” and inserting “during each of the fiscal years 1994 through 2000”.

(b) REPORT ON RELATED MATTERS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) REPORT ON RELATED MATTERS.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

“(1) The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.

“(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.”.

(c) CONFORMING AMENDMENTS.—Section 405 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, as amended by subsections (a) and (b), is further amended—

(1) in subsection (a)—

(A) by striking “the report required by subsection (b)” and inserting “the reports required by subsections (b) and (c)”; and

(B) by striking “subsection (c)(1)” and inserting “subsection (d)(1)”; and

(2) in subsection (d)(2) (as redesignated)—

(A) in the heading, by striking “2001” and inserting “2003”; and

(B) by striking “2001” and inserting “2003”.

#### **SEC. 204. REPORT CONCERNING ELIMINATION OF COLOMBIAN OPIUM.**

(a) FINDINGS.—The Congress makes the following findings:

(1) There is a growing heroin crisis in the United States resulting from increasingly cheap, pure, and deadly heroin flooding into this country, much of it from Colombia.

(2) Interdicting heroin entering the United States is difficult, in part because it can be trafficked in such small quantities.

(3) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis according to Federal law enforcement officials.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to the Congress a report which outlines a comprehensive strategy to address the crisis of heroin in the United States due to opium originating from Colombia including destruction of opium at its source.

#### **SEC. 205. REPEAL OF PROVISION REGARDING HOUSING FOR FOREIGN AGRICULTURAL ATTACHE.**

Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–34) is repealed.

#### **SEC. 206. HUMAN RIGHTS MONITORING.**

Funds authorized to be appropriated for the Bureau of Democracy, Human Rights, and Labor pursuant to section 101(1)(B)(ii) are authorized to be available to fund positions at United States posts abroad that are primarily responsible for following human rights developments in foreign countries and that are assigned at the recommendation of such bureau in conjunction with the relevant regional bureau.

#### **SEC. 207. CORRECTION OF FISHERMEN'S PROTECTIVE ACT OF 1967.**

Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(A)(3)) is amended by striking “Secretary of Commerce” and inserting “Secretary of State”.

**SEC. 208. INTERNATIONAL LITIGATION FUND.**

Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsection:

**“(e) RETENTION OF FUNDS.—**

“(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a claim against a foreign government or other foreign entity, the Secretary of State shall retain 1.5 percent of any amount between \$100,000 and \$5,000,000, and one percent of any amount over \$5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

“(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).”.

**SEC. 209. EMERGENCY EVACUATION SERVICES.**

Section 4(b)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(A)) is amended to read as follows:

“(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of (i) United States Government employees and their dependents, and (ii) private United States citizens or third-country nationals, on a reimbursable basis to the extent feasible, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended. No reimbursement shall be required which is greater than the amount the person evacuated would have been charged for a commercial air fare at the lowest rate available immediately prior to the onset of the war, civil unrest, or natural disaster giving rise to the evacuation;”.

**SEC. 210. IMPLEMENTATION OF THE INTERCOUNTRY ADOPTION ACT OF 2000.**

The Secretary of State, acting through the Assistant Secretary of State for Consular Affairs, shall consult with the appropriate congressional committees on a regular basis on the implementation of the Intercountry Adoption Act of 2000 (Public Law 106–279; 42 U.S.C. 14901 et seq.).

**SEC. 211. REPORT CONCERNING THE EFFECT OF PLAN COLOMBIA ON ECUADOR.**

(a) FINDINGS.— The Congress makes the following findings:

(1) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern. It faces the Colombian Putumayo zone, where there is no presence of military or law enforcement personnel.

(2) Activities relating to the implementation of Plan Colombia have resulted in incursions on Ecuadorian territory by drug traffickers and guerrilla and paramilitary groups from Colombia and a concomitant increase in the levels of violence and delinquency. Recent kidnappings of American and other foreign nationals, as well as discoveries of clandestine cocaine laboratories, are especially troublesome.

(3) Ecuador is receiving an influx of Colombian refugees and its own indigenous communities have been displaced from their ancestral villages.

(4) Ecuador has demonstrated its moral and political commitment in the fight against drugs. The agreement signed in November 1999 with the United States to establish a forward operating location in Manta is a clear sign of this active stance.

(5) Ecuador is implementing a comprehensive program aimed at reinforcing its security mechanisms in the northern border, as well as converting the area into a buffer zone of peace and development.

(b) REPORT TO CONGRESS.— Not later than 60 days after the date of enactment of this Act, the Secretary of State, through the Bureau of International Narcotics and Law Enforcement, shall submit to Congress a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.

**SEC. 212. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with 162 countries. Approximately 25 countries do not have any diplomatic relations with Israel and another 4 countries have only limited relations.

(3) The government of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After 52 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report which includes the following information (in classified or unclassified form, as appropriate) to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives:

(1) Actions taken by representatives of the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary of State from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

#### SEC. 213. REPORTS ON ACTIVITIES IN THE REPUBLIC OF COLOMBIA.

(a) REPORT ON REFORM ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department of State in the Republic of Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

(2) CONTENTS.—Each such report shall contain the following:

(A) A summary of activities described in paragraph (1) during the previous 180-day period.

(B) An estimated timetable for the conduct of such activities in the subsequent 180-day period.

(C) An explanation of any delays in meeting timetables contained in previous reports submitted in accordance with this subsection.

(D) An assessment of steps to be taken to correct any delays in meeting such timetables.

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

(1) DECLARATION OF POLICY.—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in the Republic of Colombia by United States businesses that have entered into agreements with the Department of State to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than March 1 of each year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements with the Department of State to carry out counternarcotics activities in the Republic of Colombia.

(3) CONTENTS.—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department of State to each such business for such activities.

(C) A written statement justifying the decision by the Department of State to enter into an agreement with each such business for such activities.

(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(3) DEFINITION.—In this subsection, the term "United States business" means any corporation, partnership, or other organization that employs 3 or more individuals and is organized under the laws of the United States.

## Subtitle B—Consular Authorities

### SEC. 231. MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended in the first sentence of paragraph (3)—

- (1) by striking “2001, and 2002,” and inserting “2001, 2002, and 2003,”; and
- (2) by striking “and \$316,715,000 for fiscal year 2002” and inserting “\$414,000,000 for fiscal year 2002, and \$422,000,000 for fiscal year 2003,”.

### SEC. 232. ESTABLISHMENT OF A CONSULAR BRANCH OFFICE IN LHASA, TIBET.

The Secretary of State shall make best efforts to establish a branch office in Lhasa, Tibet, of the United States Consulate General in Chengdu, People’s Republic of China, to monitor political, economic, and cultural developments in Tibet.

### SEC. 233. ESTABLISHMENT OF A DIPLOMATIC OR CONSULAR POST IN EQUATORIAL GUINEA.

The Secretary of State shall establish a diplomatic or consular post in Equatorial Guinea.

### SEC. 234. PROCESSING OF VISA APPLICATIONS.

It shall be the policy of the Department of State to process immigrant visa applications of immediate relatives of United States citizens and nonimmigrant K–1 visa applications of fiances of United States citizens within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the sponsor of such applicant is a relative other than an immediate relative, it should be the policy of the Department of State to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

### SEC. 235. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) CONGRESSIONAL STATEMENT OF POLICY.—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

(b) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(c) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary of State shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.

### SEC. 236. DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.

(a) DENIAL OF VISAS TO PERSONS SUPPORTING COLOMBIAN INSURGENT AND PARAMILITARY GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

- (1) has willfully provided direct or indirect support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC); or

- (2) has willfully conspired to allow, facilitate, or promote the illegal activities of any group listed in paragraph (1).

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that issuance of a visa to the alien is necessary to support the peace process in Colombia, for urgent humanitarian reasons, for significant public benefit, or to further the national security interests of the United States.

## Subtitle C—Migration and Refugees

### SEC. 251. UNITED STATES POLICY REGARDING THE INVOLUNTARY RETURN OF REFUGEES.

(a) **IN GENERAL.**—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, except on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate Resolution of Ratification.

(b) **MIGRATION AND REFUGEE ASSISTANCE.**—None of the funds made available by this Act or by section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be available to effect the involuntary return of any person to any country unless the Secretary of State first notifies the appropriate congressional committees, except that in the case of an emergency involving a threat to human life the Secretary of State shall notify the appropriate congressional committees as soon as practicable.

(c) **INVOLUNTARY RETURN DEFINED.**—As used in this section, the term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.

### SEC. 252. REPORT ON OVERSEAS REFUGEE PROCESSING.

(a) **REPORT ON OVERSEAS REFUGEE PROCESSING.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall provide to the appropriate congressional committees a report on overseas processing of refugees for admission to the United States.

(b) **CONTENTS.**—The report shall include the following detailed information:

(1) United States procedures for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise suggest an urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.

(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of refugees who are of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.

(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of citizens or lawful residents of the United States, together with the reasons for any decline in the extent of such provision over the last 10 years and a plan for expansion of such opportunities in the future.

(4) The extent to which opportunities for resettlement in the United States are currently provided to “urban refugees” and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement, who are members of refugee groups of special interest to the United States, or who are close family members of United States citizens or lawful residents.

(5) The Department’s assessment of the feasibility and desirability of modifying the Department’s current list of refugee priorities to create an additional category for refugees whose need for resettlement is based on a long period of residence in a refugee camp with no immediate prospect of safe and voluntary repatriation to their country of origin or last permanent residence.

(6) The extent to which the Department uses private voluntary agencies to assist in the identification of refugees for admission to the United States, including the Department’s assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in the Department’s use of voluntary agencies over the last 10 years, and a plan for the expanded use of such agencies.

(7) The extent to which the per capita reception and placement grant to voluntary agencies assisting in resettlement of refugees has kept up over the last 10 years with the cost to such agencies of providing such services.

(8) An estimate of the cost of each change in current practice or procedure discussed in the report, together with an estimate of any increase in the annual refugee admissions ceiling that would be necessary to implement each change.

## **TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE**

### **Subtitle A—Organizational Matters**

#### **SEC. 301. COMPREHENSIVE WORKFORCE PLAN.**

(a) **WORKFORCE PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department of State for the fiscal years 2002 through 2006. The plan shall consider personnel needs in both the civil service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth the detailed mission of the Department, the definition of work to be done and cyclical personnel needs based on expected retirements and the time required to hire, train, and deploy new personnel.

(b) **DOMESTIC STAFFING MODEL.**—Not later than one year after the date of the enactment of this Act, the Secretary of State shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department of State.

#### **SEC. 302. “RIGHTSIZING” OVERSEAS POSTS.**

(a) **“RIGHTSIZING” AT THE DEPARTMENT OF STATE.**—

(1) The Secretary of State shall establish a task force within the Department of State on the issue of “rightsizing” overseas posts.

(2) **PRELIMINARY REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the task force.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of the Department with primary responsibility for the issue of “rightsizing”.

(D) The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C. area.

(3) **PERIODIC REPORTS.**—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

(b) **INTERAGENCY WORKING GROUP.**—

(1) **ESTABLISHMENT.**—The Secretary of State shall establish an interagency working group on the issue of “rightsizing” the overseas presence of the United States Government.

(2) **PRELIMINARY REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) The objectives of the working group.

(B) Measures for achieving the objectives under subparagraph (A).

(C) The official of each agency with primary responsibility for the issue of “rightsizing”.

(3) **PERIODIC REPORTS.**—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter during the fiscal years 2002 and 2003, the Secretary of State shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).



**SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by striking subsections (f) and (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—

“(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

“(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

“(3) OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to international narcotics and law enforcement, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of management and Federal law enforcement.”.

**SEC. 304. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.**

(a) UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.—There shall be within the Department of State a United States Special Coordinator for Tibetan Issues.

(b) CONSULTATION.—The Secretary of State shall consult with the chairman and ranking minority member of the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to the designation of the special coordinator.

(c) CENTRAL OBJECTIVE.—The central objective of the special coordinator is to promote substantive dialogue between the Government of the People’s Republic of China and the Dalai Lama or his representatives.

(d) DUTIES AND RESPONSIBILITIES.—The special coordinator shall—

(1) coordinate United States Government policies, programs, and projects concerning Tibet;

(2) vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;

(3) maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People’s Republic of China, and to Tibetan refugee settlements in India and Nepal;

(4) consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;

(5) make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and

(6) take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the special coordinator.

**SEC. 305. UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.**

Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended by inserting after subsection (f) (as added by section 303 of this Act) the following new subsection (g):

“(g) UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.—

“(1) IN GENERAL.—There shall be within the Department of State a United States Special Envoy for Sudan Issues who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) DUTIES.—In addition to such duties as the President and Secretary of State shall prescribe, the envoy shall work for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom, in Sudan.”.

## Subtitle B—Personnel Matters

### SEC. 331. REPORT CONCERNING RETIRED MEMBERS OF THE FOREIGN SERVICE AND CIVIL SERVICE WHO ARE REGISTERED AGENTS OF A GOVERNMENT OF A FOREIGN COUNTRY.

The Secretary of State shall submit, annually, a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Affairs of the Senate which lists members of the Foreign Service and the civil service who have retired, have been issued an identification which authorizes access to facilities of the Department of State, and are registered under the Foreign Agents Registration Act of 1938 as an agent of a government of a foreign country. The report shall specify each individual and the governments represented by that individual.

### SEC. 332. TIBETAN LANGUAGE TRAINING.

The Secretary of State shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to the consulate in China responsible for tracking developments in Tibet.

### SEC. 333. DEPENDENTS ON FAMILY VISITATION TRAVEL.

(a) IN GENERAL.—Section 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(8)) is amended by striking “Service” and inserting “Service, and members of his or her family,”.

(b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.

### SEC. 334. THOMAS JEFFERSON STAR.

Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a) is amended—

(1) in the section heading by striking “FOREIGN SERVICE” and inserting “THOMAS JEFFERSON”; and

(2) by striking “Foreign Service star” each place it appears and inserting “Thomas Jefferson Star”.

### SEC. 335. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS.

Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4084(b)) is amended by striking “families, and (3)” and inserting “families, (3) health education and disease prevention programs for all employees, and (4)”.

### SEC. 336. TRAINING AUTHORITIES.

Section 2205(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of Public Law 105–277) is amended by striking paragraph (3).

### SEC. 337. FOREIGN NATIONAL RETIREMENT PLANS.

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking “(C)” and all that follows through “covered employees.” and inserting “(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary of State, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.”.

### SEC. 338. PRESIDENTIAL RANK AWARDS.

(a) COMPARABLE TO PAYMENTS TO MERITORIOUS EXECUTIVES AND DISTINGUISHED EXECUTIVES.—Section 405(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(3)) is amended by striking the second sentence and inserting “Pay-

ments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of base pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the base pay established under section 4507(e)(2) of title 5, United States Code, for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2001.

**SEC. 339. EMERGENCY MEDICAL ADVANCE PAYMENTS.**

Section 5927(a)(3) of title 5, United States Code, is amended to read as follows:

“(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

“(A) pursuant to government authorization is located outside the country of employment; and

“(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.”.

**SEC. 340. UNACCOMPANIED AIR BAGGAGE.**

Section 5924(4)(B) of title 5, United States Code, is amended by inserting after the first sentence the following: “At the option of the employee, in lieu of the transportation of the baggage of a dependent child from the dependent’s school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent’s annual trip between the school and the employee’s duty station may be paid or reimbursed to the employee. The amount of the payment or reimbursement may not exceed the cost that the government would incur to transport the baggage.”.

**SEC. 341. SPECIAL AGENT AUTHORITIES.**

Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended in paragraph (3)(F) by inserting “or President-elect” after “President”.

**SEC. 342. REPORT CONCERNING MINORITY EMPLOYMENT.**

During each of the years 2002 and 2003, the Secretary of State shall submit a comprehensive report to the Congress concerning the status of employment of members of minority groups at the Department of State, including the Civil Service, the Foreign Service, and State Department employees serving abroad. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;

(B) the numbers and percentages of members of all minority groups successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all minority groups successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all minority groups entering the junior officers class of the Foreign Service;

(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and

(F) the numbers of and percentages of members of all minority groups promoted at each grade of the Foreign Service Officer Corps.

(2) For the last preceding year for Civil Service employment at the Department of State for which such information is available—

(A) numbers and percentages of members of all minority groups entering the Civil Service;

(B) the number and percentages of members of all minority groups who are civil service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.

**SEC. 343. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.**

(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.

(2) **LIMITATION.**—Amounts authorized to be appropriated for minority recruitment under section 101(1)(B)(iii) may not be used to pay salaries of employees of the Department of State.

(b) **RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.**—The Secretary of State shall expand the recruitment efforts of the Department of State to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act) in the United States.

(c) **EVALUATION OF RECRUITMENT EFFORTS.**—The Secretary of State shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees annually on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. For each of the years 2002 and 2003, such a report may be part of the report required under section 342.

## **TITLE IV—UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS OF THE DEPARTMENT OF STATE**

### **SEC. 401. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking “for the fiscal year 2000” and inserting “for each of the fiscal years 2002 and 2003”.

### **SEC. 402. NONPROFIT ENTITIES FOR CULTURAL PROGRAMS.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) It is in the national interest of the United States to promote mutual understanding between the people of the United States and other nations.

(2) Among the means to be used in achieving this objective are a wide range of international educational and cultural exchange programs, including the J. William Fulbright Educational Exchange Program and the International Visitors Program.

(3) Cultural diplomacy, especially the presentation abroad of the finest of America’s creative, visual and performing arts, is an especially effective means of advancing the United States national interest.

(4) The financial support available for international cultural and scholarly exchanges has declined by approximately 10 per cent in recent years.

(5) Funds appropriated for the purpose of ensuring that the excellence, diversity, and vitality of the arts in the United States are presented to foreign audiences by, and in cooperation with, our diplomatic and consular representatives have declined dramatically.

(6) One of the ways to deepen and expand cultural and educational exchange programs is through the establishment of nonprofit entities to encourage the participation and financial support of corporations and other private sector contributors.

(7) The United States private sector should be encouraged to cooperate closely with the Secretary of State and representatives of the Department to expand and spread appreciation of United States cultural and artistic accomplishments.

(b) **AUTHORITY TO ESTABLISH NONPROFIT ENTITIES.**—Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2255) is amended by striking subsection (g) and inserting the following:

“(g) **NONPROFIT ENTITIES FOR CULTURAL PROGRAMMING.**—

“(1) The Secretary of State is authorized to provide for the establishment of private nonprofit entities to assist in carrying out the purposes of this subsection. Any such entity shall not be considered an agency or instrumentality of the United States Government and employees of such an entity shall not be considered employees of the United States Government for any purpose.

“(2) An entity established pursuant to the authority of paragraph (1) may carry out the following:

“(A) Encourage participation and support by United States corporations and other elements of the private sector for cultural, arts, and educational exchange programs which will enhance international appreciation of America’s cultural and artistic accomplishments.

“(B) Solicit and receive contributions from the private sector to support cultural, arts, and educational exchange programs.

“(C) Provide grants and other assistance for such programs.

“(3) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of any entity established pursuant to paragraph (1) including the following:

“(A) The solicitation and receipt of funds for an entity.

“(B) Designation of a program in recognition of such contributions.

“(C) Appointment of members of the board of directors or other body established to administer an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.

“(D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.

“(4) For fiscal years 2002 and 2003, not to exceed \$500,000 of funds available to the Department of State are authorized to be made available for each fiscal year for administrative and other costs for the establishment of entities pursuant to paragraph (1). An entity established pursuant to paragraph (1) is authorized to invest amounts made available to the entity by the Department of State, and such amounts, as well as interest or earnings on such amounts, may be used by the entity to carry out its purposes.

“(5) Each entity established pursuant to paragraph (1) shall submit an annual report on the sources and amount of funds and other resources received and the programs funded by the entity to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

“(6) The financial transactions of each entity established under paragraph (1) for each fiscal year shall be the subject of an independent audit. A report of each such audit shall be made available to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.”.

#### **SEC. 403. FULBRIGHT-HAYS AUTHORITIES.**

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(d) is amended by striking “operating under the authority of this Act and consistent with” and inserting “which operate under the authority of this Act or promote”.

#### **SEC. 404. ETHICAL ISSUES IN INTERNATIONAL HEALTH RESEARCH.**

(a) **IN GENERAL.**—The Secretary shall make available funds for public diplomacy and international exchanges, including, as appropriate, funds for international visitor programs and scholarships available under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961 and other similar statutes, to provide opportunities to researchers in developing countries to obtain scholarships and otherwise participate in activities related to ethical issues in human subject research, as described in subsection (b).

(b) **ETHICAL ISSUES IN HUMAN SUBJECT RESEARCH.**—For purposes of subsection (a), “activities related to ethical issues in human subject research” include courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

## **TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES**

#### **SEC. 501. ELIMINATING STAFF POSITIONS FOR THE ADVISORY BOARD FOR CUBA BROADCASTING.**

(a) **ELIMINATING POSITION OF STAFF DIRECTOR.**—

(1) Section 245 of the Television Broadcasting to Cuba Act (22 U.S.C. 1465c note) is amended by striking subsection (d).

(2) Any funds made available through the elimination of the position under the amendment made by paragraph (1) shall be made available for broadcasting to Cuba.

(b) **PROHIBITING PAID STAFF POSITIONS.**—The Advisory Board for Cuba Broadcasting is not authorized to employ administrative or support staff who are compensated by the Advisory Board.

**SEC. 502. REPORTS ON BROADCASTING PERSONNEL.**

Not later than 3 months after the date of the enactment of this Act and every 6 months thereafter during the fiscal years 2002 and 2003, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report regarding high-level personnel of the Broadcasting Board of Governors and efforts to diversify the workforce. Each report shall include the following information, reported separately, for the International Broadcasting Bureau, Radio Free Europe/Radio Liberty, and Radio Free Asia:

- (1) A list of all personnel positions at and above the GS-13 pay level.
- (2) The number and percentage of women and members of minority groups in positions under paragraph (1).
- (3) The increase or decrease in the representation of women and members of minority groups in positions under paragraph (1) from previous years.
- (4) The recruitment budget for each broadcasting entity and the aggregate budget.
- (5) Information concerning the recruitment efforts of the Broadcasting Board of Governors relating to women and members of minority groups, including the percentage of the recruitment budget utilized for such efforts.

**SEC. 503. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.**

(a) **IN GENERAL.**—The Director of the International Broadcasting Bureau is authorized to establish a pilot program for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to civil service and classification laws, for service in the United States as broadcasters, producers, and writers in the International Broadcasting Bureau to respond to new or emerging broadcasting needs or to augment broadcast services.

(b) **LIMITATION ON AUTHORITY.**—The Director is authorized to use such pilot program authority subject to the following limitations:

- (1) The Director shall determine that existing personnel resources are insufficient and the need is of limited or unknown duration.
- (2) The Director shall approve each contract for a personal services contractor.
- (3) The length of any personal services contract may not exceed 2 years, unless the Director finds that exceptional circumstances justify an extension of not more than 1 additional year.
- (4) Not more than 50 United States citizens or aliens shall be employed at any time as personal services contractors under the pilot program.

(c) **TERMINATION OF AUTHORITY.**—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

**SEC. 504. PAY PARITY FOR SENIOR EXECUTIVES OF RADIO FREE EUROPE AND RADIO LIBERTY.**

Section 308(h)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is amended—

- (1) by inserting after subparagraph (B) the following new subparagraph:  
“(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated to pay up to 2 employees employed in Washington, D.C. salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.”; and
- (2) in subparagraph (A) by striking “(B),” and inserting “(B) or (C),”.

**SEC. 505. REPEAL OF BAN ON UNITED STATES TRANSMITTER IN KUWAIT.**

The Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

- (1) by striking section 226; and
- (2) by striking the item relating to section 226 in the table of sections.

## **TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS**

**SEC 601. UNITED NATIONS ARREARS PAYMENTS AND REFORM.**

(a) **ADDITIONAL RESTRICTIONS ON RELEASE OF ARREARAGE PAYMENTS RELATING TO UNITED STATES SOVEREIGNTY.**—In addition to the satisfaction of all other preconditions applicable to the obligation and expenditure of funds authorized to be ap-

propriated by section 911(a)(2) of the United Nations Reform Act of 1999, such funds may not be obligated or expended until the Secretary of State certifies to the appropriate congressional committees that the following conditions are satisfied:

(1) SUPREMACY OF THE UNITED STATES CONSTITUTION.—No action has been taken by the United Nations or any of its specialized or affiliated agencies that requires the United States to violate the United States Constitution or any law of the United States.

(2) NO UNITED NATIONS SOVEREIGNTY.—Neither the United Nations nor any of its specialized or affiliated agencies—

(A) has exercised sovereignty over the United States; or

(B) has taken any steps that require the United States to cede sovereignty.

(3) NO UNITED NATIONS TAXATION.—

(A) NO LEGAL AUTHORITY.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has the authority under United States law to impose taxes or fees on United States nationals.

(B) NO TAXES OR FEES.—Except as provided in subparagraph (D), a tax or fee has not been imposed on any United States national by the United Nations or any of its specialized or affiliated agencies.

(C) NO TAXATION PROPOSALS.—Except as provided in subparagraph (D), neither the United Nations nor any of its specialized or affiliated agencies has, on or after October 1, 1996, officially approved any formal effort to develop, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States national in order to raise revenue for the United Nations or any such agency.

(D) EXCEPTION.—This paragraph does not apply to—

(i) fees for publications or other kinds of fees that are not tantamount to a tax on United States citizens;

(ii) the World Intellectual Property Organization; or

(iii) the staff assessment costs of the United Nations and its specialized or affiliated agencies.

(4) NO STANDING ARMY.—The United Nations has not, on or after October 1, 1996, budgeted any funds for, nor taken any official steps to develop, create, or establish any special agreement under Article 43 of the United Nations Charter to make available to the United Nations, on its call, the armed forces of any member of the United Nations.

(5) NO INTEREST FEES.—The United Nations has not, on or after October 1, 1996, levied interest penalties against the United States or any interest on arrearages on the annual assessment of the United States, and neither the United Nations nor its specialized agencies have, on or after October 1, 1996, amended their financial regulations or taken any other action that would permit interest penalties to be levied against the United States or otherwise charge the United States any interest on arrearages on its annual assessment.

(6) UNITED STATES REAL PROPERTY RIGHTS.—Neither the United Nations nor any of its specialized or affiliated agencies has exercised authority or control over any United States national park, wildlife preserve, monument, or real property, nor has the United Nations nor any of its specialized or affiliated agencies implemented plans, regulations, programs, or agreements that exercise control or authority over the private real property of United States citizens located in the United States without the approval of the property owner.

(7) TERMINATION OF BORROWING AUTHORITY.—

(A) PROHIBITION ON AUTHORIZATION OF EXTERNAL BORROWING.—On or after the date of enactment of this Act, neither the United Nations nor any specialized agency of the United Nations has amended its financial regulations to permit external borrowing.

(B) PROHIBITION OF UNITED STATES PAYMENT OF INTEREST COSTS.—The United States has not, on or after October 1, 1984, paid its share of any interest costs made known to or identified by the United States Government for loans incurred, on or after October 1, 1984, by the United Nations or any specialized agency of the United Nations through external borrowing.

(b) AMENDMENTS TO THE UNITED NATIONS REFORM ACT OF 1999.—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–475) is amended as follows:

(1) Section 912(c) is amended by striking “section 911” and inserting “section 911(a)(3)”.

(2) Section 931(b) is amended by—

- (A) striking paragraph (2); and
- (B) redesignating paragraph (3) as paragraph (2).
- (3) Section 941(a)(2) is amended—
  - (A) by striking “also”;
  - (B) by striking “in subsection (b)(4)” both places it appears; and
  - (C) by striking “satisfied, if the other conditions in subsection (b) are satisfied” and inserting “satisfied”.
- (4) Section 941(b)(3) is amended—
  - (A) in the paragraph heading by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”;
  - (B) by striking “has established and”;
  - (C) by striking “procedures” and inserting “practices”; and
  - (D) in subparagraphs (A) and (B) by striking “require” both places it appears and inserting in both places “result in”.
- (5) Section 941(b)(9) is amended—
  - (A) in the paragraph heading by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”;
  - (B) by striking “Each designated specialized agency has established procedures to—” and inserting “The practices of each designated specialized agency—”; and
  - (C) in subparagraphs (A), (B), and (C) by striking “require” each of the 3 places it appears such subparagraphs and inserting in the 3 places “result in”.

(c) AMENDMENT TO UNITED NATIONS PARTICIPATION ACT.—Section 6 of the United Nations Participation Act of 1945 (22 U.S.C. 287d) is amended to read as follows:

**“SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.**

“(a) Any agreement described in subsection (b) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by appropriate Act or joint resolution.

“(b) An agreement referred to in subsection (a) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.

“(c) Except as provided in section 7, nothing in this section may be construed as an authorization to the President by the Congress to make available United States Armed Forces, facilities, or assistance to the Security Council.”.

(d) AMENDMENT TO PUBLIC LAW 103–236.—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C. 287e note) is amended—

- (1) by striking “for any fiscal year after fiscal year 1995” and inserting “for—

- “(A) fiscal years 1996 through 2001, and any fiscal year after fiscal year 2003”; and

- (2) by striking “operation.” and inserting “operation; and

- “(B) fiscal years 2002 and 2003 shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 28.15 percent of the total of all assessed contributions for that operation.”.

(e) CONFORMING AMENDMENT TO PUBLIC LAW 92–544.—The last sentence of the paragraph headed “Contributions to International Organizations” in Public Law 92–544 (22 U.S.C. 287e note), is amended—

- (1) by striking “Appropriations are authorized” and inserting “Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236, 22 U.S.C. 287e note), as amended, appropriations are authorized”; and

- (2) by striking “(other than United Nations peacekeeping operations) conducted” and inserting “conducted by or under the auspices of the United Nations or”.

(f) CONFORMING AMENDMENT TO PUBLIC LAW 105–277.—The undesignated paragraph under the heading “ARREARAGE PAYMENTS” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999 (as enacted into law by section 101(b) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681–96) is amended by striking “member, and the share of the budget for each assessed



United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.” and inserting “member.”.

(g) CONFORMING AMENDMENT TO PUBLIC LAW 106-113.—The undesignated paragraph under the heading “ARREARAGE PAYMENTS” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(1) of division B of Public Law 106-113; appendix A; 113 Stat. 1501A-42) is amended—

(1) in the first proviso, by striking “the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and”; and

(2) by inserting immediately after the first proviso “*Provided further*, That, none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency.”.

(h) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

**SEC. 602. TRAVEL BY ADVISORY COMMITTEE MEMBERS TO GREAT LAKES FISHERY COMMISSION ANNUAL MEETING.**

Section 4(c) of the Great Lakes Fishery Act of 1956 (70 Stat. 242; 16 U.S.C. 933(c)) is amended in the second sentence—

(1) by striking “five” and inserting “ten”; and

(2) by striking “each” and inserting “the annual”.

**SEC. 603. UNITED STATES POLICY ON COMPOSITION OF THE UNITED NATIONS HUMAN RIGHTS COMMISSION.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Human Rights Commission is an important organ of the United Nations that plays a significant role in monitoring international human rights developments and can make an important contribution to advancing human rights around the world.

(2) The membership of the Commission, however, continues to include countries that are themselves human rights violators.

(3) Countries that are on the Commission have a special duty to ensure that they are prepared to allow human rights monitors into their own country to investigate allegations of human rights violations.

(b) UNITED STATES POLICY ON MEMBERSHIP OF THE COMMISSION.—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations to oppose membership on the United Nations Commission on Human Rights for any country that does not provide a standing invitation to allow the following persons to monitor human rights in the territory of such country:

(1) Designated United Nations human rights investigators and rapporteurs.

(2) Representatives from nongovernmental organizations that focus on human rights.

**SEC. 604. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION FOR MIGRATION.**

(a) CONTINUATION OF MEMBERSHIP.—The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.

**SEC. 605. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.**

Section 5 of the Act entitled “An Act to establish a Commission on Security and Cooperation in Europe” (Public Law 94-304; 22 U.S.C. 3005) is amended to read as follows:

“SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization on Security and Cooperation in Europe

(OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is a particular concern relating to the implementation of Organization on Security and Cooperation in Europe commitments or where an OSCE presence exists. Such summary shall address the role played by Organization on Security and Cooperation in Europe institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period January 1 through December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the website of the Department of State.”.

**SEC. 606. REPORTS TO CONGRESS ON UNITED NATIONS ACTIVITIES.**

(a) AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.—Section 4 of the United Nations Participation Act (22 U.S.C. 287b) is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.”;

(3) in subsection (e)(5) by striking subparagraph (B) and inserting the following:

“(B) ANNUAL REPORT.—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.”; and

(4) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f) respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.

(2) Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended by striking subsection (d).

## **TITLE VII—MISCELLANEOUS PROVISIONS**

### **Subtitle A—General Provisions**

**SEC. 701. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.**

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106–178; 114 Stat. 39; 50 U.S.C. 1701 note) is amended by inserting after subsection (d) the following new subsection:

“(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.”.

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.—Section 5(a)(2) of such Act is amended by striking “systems” and inserting “systems, or conventional weapons”.

**SEC. 702. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.**

Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–472) is amended by striking “such agreement,” both places it appears and inserting in both places “such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group).”.

**SEC. 703. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.**

(a) REPEAL OF TERMINATION OF COMMISSION.—The International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.) is amended by striking section 209.

(b) **AUTHORIZATIONS OF APPROPRIATIONS.**—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting “for each of the fiscal years 2002 and 2003” after “\$3,000,000”.

(c) **ELECTION OF CHAIR OF COMMISSION.**—Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking “in each calendar” and inserting “after May 30 of each”.

(d) **PROCUREMENT OF NONGOVERNMENTAL SERVICES.**—Section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended by striking “authority other than that allowed under this title” and inserting “authority, in excess of \$75,000 annually, except as otherwise provided in this title”.

(e) **DONATION OF SERVICES.**—Section 208(d)(1) of such Act (22 U.S.C. 6435a(d)(1)) is amended by striking “services or” both places it appears.

(f) **ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.**—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

“(2) **ESTABLISHMENT OF STAGGERED TERMS.**—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph. Of the 3 members of the Commission appointed by the President under subsection (b)(1)(B)(i), 2 shall be appointed to a one-year term and 1 shall be appointed to a two-year term. Of the 3 members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), 1 of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Of the 3 members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), 1 of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a one-year term, and the other 2 appointments under such clause shall be two-year terms. The term of each member of the Commission appointed to a one-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a one-year term shall be filled by the appointment of a successor to a two-year term.”.

(g) **VACANCIES.**—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: “A member may serve after the expiration of that member’s term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term.”.

#### **SEC. 704. CONTINUATION OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) **AUTHORITY TO CONTINUE COMMISSION.**—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999: Public Law 105–277) is amended by striking “October 1, 2001” and inserting “October 1, 2005”.

(b) **REPEAL.**—Section 404(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 404(c) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–446) is amended by striking paragraph (2).

#### **SEC. 705. PARTICIPATION OF SOUTH ASIA COUNTRIES IN INTERNATIONAL LAW ENFORCEMENT.**

The Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

## **Subtitle B—Sense of Congress Provisions**

#### **SEC. 731. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.**

It is the sense of the Congress that the President should direct the Secretary of State and the United States Representative to the United Nations to urge the United Nations to adopt an HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.

**SEC. 732. SENSE OF CONGRESS RELATING TO HIV/AIDS TASK FORCE.**

It is the sense of the Congress that the Secretary of State should establish an international HIV/AIDS intervention, mitigation, and coordination task force to coordinate activities on international HIV/AIDS programs administered by agencies of the Federal Government and to work with international public and private entities working to combat the HIV/AIDS pandemic.

**SEC. 733. SENSE OF CONGRESS CONDEMNING THE DESTRUCTION OF PRE-ISLAMIC STATUES IN AFGHANISTAN BY THE TALIBAN REGIME.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Many of the oldest and most significant Buddhist statues in the world are in Afghanistan, which, at the time that many of the statues were carved, was one of the most cosmopolitan regions in the world and hosted merchants, travelers, and artists from China, India, central Asia, and the Roman Empire.

(2) Such statues are part of the common heritage of mankind, which must be preserved for future generations.

(3) On February 26, 2001, the leader of the Taliban regime, Mullah Mohammad Omar, ordered the destruction of all pre-Islamic statues in Afghanistan, among them a pair of 1,600-year-old, 100-foot-tall statues of Buddha that are carved out of a mountainside.

(4) The religion of Islam and Buddhist statues have coexisted in Afghanistan as part of the unique historical and cultural heritage of that nation for more than 1,100 years.

(5) The destruction of the pre-Islamic statues contradicts the basic tenet of the Islamic religion that other religions should be tolerated.

(6) People of all faiths and nationalities have condemned the destruction of the statues in Afghanistan, including Muslim communities around the world.

(7) The destruction of the statues violates the United Nations Convention Concerning the Protection of the World Cultural and Natural Heritage, which was ratified by Afghanistan on March 20, 1979.

(b) SENSE OF CONGRESS.—The Congress—

(1) joins with people and governments around the world in condemning the destruction of pre-Islamic statues in Afghanistan by the Taliban regime;

(2) urges the Taliban regime to stop destroying such statues; and

(3) calls upon the Taliban regime to grant international organizations immediate access to Afghanistan to survey the damage and facilitate international efforts to preserve and safeguard the remaining statues.

**SEC. 734. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.**

It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

**SEC. 735. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.**

(a) FINDINGS.—In the early 1970s, the United Nations Children's Fund (UNICEF) and the Bangladeshi Department of Public Health Engineering, in an attempt to bring clean drinking water to the people of Bangladesh, installed tube wells to access shallow aquifers. This was done to provide an alternative to contaminated surface water sources. However, at the time the wells were installed, arsenic was not recognized as a problem in water supplies and standard water testing procedures did not include arsenic tests. Naturally occurring inorganic arsenic contamination of water in those tube-wells was confirmed in 1993 in the Nawabganj district in Bangladesh. The health effects of ingesting arsenic-contaminated drinking water appear slowly. This makes preventative measures, including drawing arsenic out of the existing tube well and finding alternate sources of water, critical to preventing future contamination in large numbers of the Bangladeshi population. Health effects of exposure to arsenic in both adults and children include skin lesions, skin cancer, and mortality from internal cancers.

(b) SENSE OF CONGRESS.—The Secretary of State should work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long term solution to the arsenic-contaminated drinking water problem.

(c) REPORT TO CONGRESS.—The Secretary of State should report to the Congress on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

**SEC. 736. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.**

It is the sense of the Congress that the chancery of the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

**SEC. 737. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN WEST PAPUA AND ACEH, INCLUDING THE MURDER OF JAFAR SIDDIQ HAMZAH, AND ESCALATING VIOLENCE IN MALUKU AND CENTRAL KALIMANTAN.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) Human rights violations by elements of the Indonesian Government continue to worsen in West Papua (Irian Jaya) and Aceh, while other areas including the Moluccas (Maluku) and Central Kalimantan have experienced outbreaks of violence by militia forces and other organized groups.

(2) Seven West Papuans were shot dead by Indonesian security forces following a flag-raising ceremony in the town of Merauke on December 2, 2000, and in a separate incident four others were reportedly killed by Indonesian security forces after a West Papuan flag was raised in Tiom on December 18, 2000.

(3) Indonesian police have attacked peaceful West Papuan civilians, including students in their dormitories at Cenderawasih University on December 6, 2000. This attack resulted in the beating and arrests of some 100 students as well as the deaths of three students, including one in police custody in the capital city of Jayapura.

(4) To escape Indonesian security forces, hundreds of peaceful West Papuans have sought safety in refugee camps across the border in the neighboring state of Papua New Guinea (PNG).

(5) The Indonesian armed forces have announced that they are initiating “limited military operations” in Aceh, where the Exxon-Mobil gas company has suspended operations due to security concerns.

(6) On September 7, 2000, the body of Acehnese human rights lawyer Jafar Siddiq Hamzah, who had been missing for a month, was identified along with four other badly decomposed bodies, whose faces were bashed in and whose hands and feet were bound with barbed wire, in a forested area outside of Medan, in North Sumatra.

(7) Hamzah, a permanent resident of the United States who resided in Queens, New York, was last seen alive on August 5, 2000, in Medan, after which he failed to keep an appointment and his family lost all contact with him.

(8) As the founder and director of the International Forum on Aceh, which works for peace and human rights in Aceh, Hamzah was an important voice of moderation and an internationally known representative of his people who made irreplaceable contributions to peace and respect for human rights in his homeland.

(9) The Indonesian government has failed to release the results of Jafar Siddiq Hamzah’s autopsy report, and the inaccessibility of the report has delayed the investigation which could lead to bringing the murderers to justice.

(10) There is supporting documentation from the United States Department of State and other reliable sources that Indonesian military and police forces have committed widespread acts of torture, rape, disappearance and extra-judicial executions against West Papuan and Acehnese civilians.

(11) In Maluku, where Muslim and Christian peoples lived in peace and respected with each other for decades, thousands have been killed and tens of thousands displaced during outbreaks of violence over the past three years.

(12) Militia forces known as the Laskar Jihad have arrived from Java and other islands outside Maluku to inflame hatred and perpetrate violence against Christians, and to create religious intolerance among the people of Maluku, and the Laskar Jihad has been openly encouraged by some Indonesian leaders including Amien Rais, Chair of the People’s Consultative Assembly.

(13) Muslim and Christian leaders alike have called for the arrest of militia leaders in Maluku and asking for international assistance in ending this devastating conflict.

(14) The most recent instance of widespread violence in Indonesia has broken out on the island of Kalimantan (Borneo), in the province of Central Kalimantan, where indigenous Dayaks brutally attacked migrant Madurese, killing hundreds and causing thousands of others to flee.

(15) The people of the island of Madura who were resettled in Kalimantan under the auspices of the Soeharto government’s transmigration program, which served to strengthen the political control of the regime, have become scapegoats for official government policy, while the Dayaks have suffered from

this policy and from official exploitation of the natural resources of their homeland.

(b) SENSE OF CONGRESS.—The Congress—

(1) expresses its deep concern over ongoing human rights violations committed by Indonesian military and police forces against civilians in West Papua and Aceh, as well as over violence by militias and others in Maluku, Central Kalimantan, and elsewhere in Indonesia;

(2) calls upon the United States Department of State to publicly protest the reemergence of political imprisonment in Indonesia and to take necessary steps to release, immediately and unconditionally, all political prisoners, including Rev. Obed Komba, Rev. Yudas Meage, Yafet Yelemaken, Murjono Murib and Amelia Yigibalom of West Papua, and Muhammad Nazar of Aceh, all adopted by Amnesty International as Prisoners of Conscience, and student demonstrators Matus Rumpapak, Laon Wenda, Jenderal Achmad Yani, Joseph Wenda and Hans Gobay of West Papua;

(3) calls upon the Department of State to support and encourage the Government of Indonesia to engage in peaceful dialogue with respected West Papuan community leaders and other members of West Papuan civil society, as prescribed by the 1999 Terms of Reference for the National Dialogue on Irian Jaya, and to urge the Governor of West Papua to create an environment conducive to the peaceful repatriation of West Papuan refugees and “illegal border crossers” who now reside in Papua New Guinea;

(4) calls upon the United States Government to press the Government of Indonesia to permit access to West Papua and Aceh, including the project areas of the United States-owned Freeport mine and Exxon-Mobil facilities, by independent human rights and environmental monitors, including the United Nations special rapporteurs on torture and extra-judicial execution, as well as by humanitarian nongovernmental organizations;

(5) calls upon the United States Government to press for the withdrawal of nonorganic troops from West Papua and Aceh, and an overall reduction of force numbers in those areas, particularly along the PNG border;

(6) calls upon the Government of Indonesia to release the autopsy report of Jafar Siddiq Hamzah immediately, to conduct a thorough, open, and transparent investigation of the murder of Hamzah and the four others with whom he was found, to offer full access and support to independent investigators and forensics experts brought in to examine these cases, and to ensure that the perpetrators of these atrocities are brought to justice through open and fair trials;

(7) condemns the recent atrocities in Central Kalimantan the failure of Indonesian police and other security forces to intervene to stop these atrocities, as well as the underlying social and economic conditions caused by systematic transmigration programs, imported labor, and inequitable and destructive exploitation of local natural resources that have worsened the poverty and discrimination which were contributing factors in their commission;

(8) condemns comparable Indonesian Government policies in Maluku and the failure of Indonesian police and other security forces in and around Ambon to halt sectarian violence, including the operations of the Laskar Jihad militia;

(9) calls upon the Government of Indonesia to take decisive action to halt sectarian violence in Maluku and to arrest those guilty of violence, including Laskar Jihad militia leaders and armed forces officers guilty of complicity in their operations against civilians, and to make significant progress towards rehabilitation and reestablishment of local communities displaced by the violence and rebuild the physical infrastructure of the communities;

(10) calls upon the Department of State to support United Nations and other international delegations and monitoring efforts by international and nongovernmental agencies in West Papua, Aceh, Maluku, Central Kalimantan, West Timor, and other areas of Indonesia in order to deter further human rights violations, and to encourage and support international and nongovernmental agencies in efforts to help the people of Indonesia rebuild and rehabilitate communities torn by violence, particularly by assisting in the return of internally displaced peoples and in efforts at reconciliation within and among communities;

(11) calls upon the Department of State to ensure that all appropriate information regarding current conditions in the West Papua, Aceh, Maluku, Kalimantan, and elsewhere in Indonesia is included in the Annual Country Reports on Human Rights Practices and the Annual Report on International Religious Freedom;

(12) calls upon the Government of Indonesia to devote official attention, in an atmosphere of openness and transparency and oversight, to investigations into the numerous cases of disappearances, extrajudicial killings, and other seri-

ous human rights violations in West Papua, Aceh, Maluku, Central Kalimantan, elsewhere in Indonesia, and occupied East Timor; and

(13) calls upon the United States Government to continue to insist upon vigorous investigation into all such violations, and upon trials according to international standards for military and police officers, militia leaders, and others accused of such violations.

**SEC. 738. SENSE OF CONGRESS SUPPORTING PROPERLY CONDUCTED ELECTIONS IN KOSOVA DURING 2001.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Former Yugoslav President Slobodan Milosevic perpetrated a brutal campaign of ethnic cleansing against the ethnic Albanian population of Kosova, resulting in thousands of deaths and rapes and the displacement of nearly 1 million people.

(2) Prior to the disintegration of the former Yugoslavia, Kosova was a separate political and legal entity with a separate and distinct financial sector, police force, government, education system, judiciary, and health care system.

(3) During that time, the people of Kosova successfully administered the province.

(4) During the Milosevic era, Kosovar citizens demonstrated again their ability to govern themselves by creating parallel governmental and social institutions.

(5) Local elections held in Kosova in 2000 were considered free and fair by international observers.

(6) United Nations Security Council Resolution 1244 authorizes the United Nations Mission in Kosova to provide for transitional administration while establishing and overseeing the development of democratic and self-governing institutions, including the holding of elections, to ensure conditions for a peaceful and normal life for all inhabitants of Kosova.

(7) The United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe should ensure that the conditions for properly conducted elections in Kosova are in place prior to the election.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United Nations Mission in Kosova should hold properly conducted elections throughout Kosova during the year 2001;

(2) the only way to maintain a true and lasting peace in the region is through the creation of democratic Kosovar institutions with real governing authority and responsibility, and Kosova-wide jurisdiction;

(3) all persons, regardless of ethnicity, are encouraged to participate in elections throughout Kosova; and

(4) the United States should work with the United Nations Mission in Kosova and the Organization for Security and Cooperation in Europe to ensure that the transition to Kosovar self-government under the terms and conditions of United Nations Security Council Resolution 1244 proceeds peacefully, successfully, expeditiously, and in a spirit of ethnic inclusiveness.

**SEC. 739. SENSE OF CONGRESS RELATING TO POLICY REVIEW OF RELATIONS WITH THE PEOPLE'S REPUBLIC OF CHINA.**

It is the sense of Congress that—

(1) the President of the United States and his advisors should be commended for their success and the diplomatic skill with which they negotiated the safe return of the 24 American crew members of the United States Navy reconnaissance aircraft that made an emergency landing on the Chinese island of Hainan on April 1, 2001; and

(2) the United States Government should conduct a policy review of the nature of its relations with the Government of the People's Republic of China in light of recent events.

**SEC. 740. SENSE OF CONGRESS RELATING TO BROADCASTING IN THE MACEDONIAN LANGUAGE BY RADIO FREE EUROPE.**

It is the sense of the Congress that the Broadcasting Board of Governors should initiate surrogate broadcasting by Radio Free Europe in the Macedonian language to Macedonian-speaking areas of the Former Yugoslav Republic of Macedonia.

**SEC. 741. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.**

(a) FINDINGS.—Congress finds the following:

(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.

(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.

(3) The Magen David Adom Society is the national humanitarian society in the state of Israel.

(4) The Magen David Adom Society follows all the principles of the International Red Cross and Red Crescent Movement.

(5) Since the founding of the Magen David Adom Society in 1930, the American Red Cross has regarded it as a sister national society and close working ties have been established between the two societies.

(6) The Magen David Adom Society has used the Red Shield of David as its humanitarian emblem since its founding in 1930 for the same purposes that other national Red Cross and Red Crescent societies use their respective emblems.

(7) Since 1949 Magen David Adom has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David.

(8) Magen David Adom is the only humanitarian organization equivalent to a national Red Cross or Red Crescent society in a sovereign nation that is denied membership into the International Red Cross and Red Crescent Movement.

(9) The American Red Cross has consistently advocated recognition and membership of the Magen David Adom Society in the International Red Cross and Red Crescent Movement.

(10) The House of Representatives adopted H. Res. 464 on May 3, 2000, and the Senate adopted S. Res. 343 on October 18, 2000, expressing the sense of the House of Representatives and the sense of the Senate, respectively, that the International Red Cross and Red Crescent Movement should recognize and admit to full membership Israel's Magen David Adom Society with its emblem, the Red Shield of David.

(11) The Secretary of State testified before the Committee on the Budget of the Senate on March 14, 2001, and stated that admission of Magen David Adom into the International Red Cross movement is a priority.

(12) The United States provided \$119,230,000 for the International Committee of the Red Cross in fiscal year 2000.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and

(4) the United States should continue to press for full membership for the Magen David Adom in the International Red Cross Movement.

**SEC. 742. SENSE OF CONGRESS URGING THE RETURN OF PORTRAITS PAINTED BY DINA BABBITT DURING HER INTERNMENT AT AUSCHWITZ THAT ARE NOW IN THE POSSESSION OF THE AUSCHWITZ-BIRKENAU STATE MUSEUM.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen now in her late 70's, has requested the return of watercolor portraits she painted while suffering a year-and-a-half-long internment at the Auschwitz death camp during World War II.

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele.

(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele.

(4) These paintings are currently in the possession of the Auschwitz-Birkenau State Museum.

(5) Dina Babbitt is unquestionably the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp.

(6) The artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history.

(7) This continued injustice can be righted through cooperation between agencies of the United States and Poland.



## (b) SENSE OF CONGRESS.—The Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the seven watercolor portraits Dina Babbitt painted, while suffering a year-and-a-half-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the seven original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the seven original paintings to Dina Babbitt as expeditiously as possible.

**SEC. 743. SENSE OF CONGRESS REGARDING VIETNAMESE REFUGEE FAMILIES.**

It is the sense of the Congress that Vietnamese refugees who served substantial sentences in re-education camps due to their wartime associations with the United States and who, subsequently, were resettled in the United States should be permitted to include their unmarried sons and daughters as family members for purposes of such resettlement.

**SEC. 744. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.**

## (a) FINDINGS.—The Congress makes the following findings:

(1) The United Nations Educational, Scientific, and Cultural Organization (UNESCO) was created in 1946 with the support of the United States as an integral part of the United Nations systems, designed to promote international cooperation and exchanges in the fields of education, science, culture, and communication with the larger purpose of constructing the defense of peace against intolerance and incitement to war.

(2) In 1984, the United States withdrew from membership in UNESCO over serious questions of internal management and political polarization.

(3) Since the United States withdrew from the organization, UNESCO addressed such criticisms by electing new leadership, tightening financial controls, cutting budget and staff, restoring recognition of intellectual property rights, and supporting the principle of a free and independent international press.

(4) In 1993, the General Accounting Office, after conducting an extensive review of UNESCO's progress in implementing changes, concluded that the organization's member states, the Director General of UNESCO, managers and employee associations demonstrated a commitment to management reform through their actions.

(5) On September 28, 2000, former Secretary of State George P. Schultz, who implemented the withdrawal of the United States from UNESCO with a letter to the organization's Director General in 1984, indicated his support for the United States renewal of membership in UNESCO.

(6) The participation of the United States in UNESCO programs offers a means for furthering the foreign policy interests of the United States through the promotion of cultural understanding and the spread of knowledge critical to strengthening civil society.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take all necessary steps to renew the membership and participation of the United States in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

**SEC. 745. SENSE OF CONGRESS RELATING TO GLOBAL WARMING.**

## (a) FINDINGS.—The Congress makes the following findings:

(1) Global climate change poses a significant threat to national security, the American economy, public health and welfare, and the global environment.

(2) The Intergovernmental Panel on Climate Change (IPCC) has found that most of the observed warming over the last fifty years is attributable to human activities, including fossil fuel-generated carbon dioxide emissions.

(3) The IPCC has stated that global average surface temperatures have risen since 1861.

(4) The IPCC has stated that in the last forty years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent

have decreased which threatens to inundate low-lying Pacific island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency predicts that global warming will harm United States citizens by altering crop yields, causing sea levels to rise, and increasing the spread of tropical infectious diseases.

(6) Industrial nations are the largest producers today of fossil fuel-generated carbon dioxide emissions.

(7) The United States has ratified the United Nations Framework on Climate Change which states, in part, “the Parties to the Convention are to implement policies with the aim of returning...to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases”.

(8) The United Nations Framework Convention on Climate Change further states that “developed country Parties should take the lead in combating climate change and the adverse effects thereof”.

(9) Action by the United States to reduce emissions, taken in concert with other industrialized nations, will promote action by developing countries to reduce their own emissions.

(10) A growing number of major American businesses are expressing a need to know how governments worldwide will respond to the threat of global warming.

(11) More efficient technologies and renewable energy sources will mitigate global warming and will make the United States economy more productive and create hundreds of thousands of jobs.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors; and

(2) continuing to participate in international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol in a manner that is consistent with the interests of the United States and that ensures the environmental integrity of the protocol.

**SEC. 746. SENSE OF CONGRESS REGARDING THE BAN ON SINN FEIN MINISTERS FROM THE NORTH-SOUTH MINISTERIAL COUNCIL IN NORTHERN IRELAND.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The Good Friday Agreement established the North-South Ministerial Council to bring together those with executive responsibilities in Northern Ireland and the Republic of Ireland to discuss matters of mutual interest on a cross-border and all-island basis.

(2) The Ulster Unionist Party, Social Democratic and Labour Party, Sinn Fein and the Democratic Unionist Party comprise the Northern Ireland executive.

(3) First Minister David Trimble continues to ban Sinn Fein Ministers Martin McGuinness and Bairbre de Brun from attending North-South Ministerial Council meetings.

(4) On January 30, 2001, the Belfast High Court ruled First Minister Trimble had acted illegally in preventing the Sinn Fein Ministers from attending the North-South Ministerial Council meetings.

(b) SENSE OF CONGRESS.—The Congress calls upon First Minister David Trimble to adhere to the terms of the Good Friday Agreement and lift the ban on the participation of Sinn Fein Ministers on the North-South Ministerial Council.

## **TITLE VIII—SECURITY ASSISTANCE**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Security Assistance Act of 2001”.

### **Subtitle A—Military and Related Assistance**

#### **CHAPTER 1—FOREIGN MILITARY SALES AND RELATED AUTHORITIES**

**SEC. 811. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.**

Chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) is amended by adding at the end the following:

**“SEC. 28. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.**

“(a) **QUARTERLY REPORT.**—Not later than 15 days after the end of each calendar quarter, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

“(b) **INFORMATION.**—The information described in this subsection is the following:

“(1)(A) Each price and availability estimate provided by the United States Government during such calendar quarter to a foreign country with respect to a possible sale under this Act of major defense articles having a cost of \$7,000,000 or more, or of any other defense articles or services having a cost of \$25,000,000 or more.

“(B) The name of each foreign country to which an estimate described in subparagraph (A) was provided, the defense articles or services involved, the quantity of the articles or services involved, and the price estimate.

“(2)(A) Each request received by the United States Government from a foreign country during such calendar quarter for the issuance of a letter of offer to sell defense articles or defense services if the proposed sale does not include a price and availability estimate (as described in paragraph (1)(A)).

“(B) The name of each foreign country that makes a request described in subparagraph (A), the date of the request, the defense articles or services involved, the quantity of the articles or services involved, and the price and availability terms requested.”.

**SEC. 812. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.**

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)) is amended by striking “\$72,500” and inserting “\$86,500”.

**SEC. 813. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND SERVICES.**

Notwithstanding any other provision of law, for purposes of the transfer or potential transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as the equivalent of a major non-NATO ally.

**SEC. 814. UNITED STATES POLICY WITH REGARD TO TAIWAN.**

(a) **CONSULTATION WITH CONGRESS.**—Not later than 30 days prior to consultations with Taiwan described in subsection (b), the President shall consult, on a classified basis, with Congress regarding the following matters with respect to the availability of defense articles and services for Taiwan:

(1) The request by Taiwan to the United States for the purchase of defense articles and defense services.

(2) The President’s assessment of the legitimate defense needs of Taiwan taking into account Taiwan’s request described in paragraph (1).

(3) The decisionmaking process used by the President to consider such request.

(b) **CONSULTATION WITH TAIWAN.**—At least once every calendar year, the President, or the President’s designee, shall consult with representatives of the armed forces of Taiwan, at not less than the level of Vice Chief of the General Staff, concerning the nature and quantity of defense articles and services to be made available to Taiwan in accordance with section 3(b) of the Taiwan Relations Act (22 U.S.C. 3302(b)). Such consultations shall take place in Washington, D.C.

**CHAPTER 2—EXCESS DEFENSE ARTICLE AND DRAWDOWN AUTHORITIES****SEC. 821. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN AND OTHER COUNTRIES.**

(a) **CENTRAL AND SOUTHERN EUROPEAN COUNTRIES.**—Section 105 of Public Law 104–164 (110 Stat. 1427) is amended by striking “2000 and 2001” and inserting “2001, 2002, and 2003”.

(b) **CERTAIN OTHER COUNTRIES.**—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during each of the fiscal years 2002 and 2003, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, the Former Yugoslavia Republic of Macedonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia, the Philippines, Slovakia, and Uzbekistan.

(c) **CONTENT OF CONGRESSIONAL NOTIFICATION.**—Each notification required to be submitted under section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C.

2321j(f)) with respect to a proposed transfer of a defense article described in subsection (b) shall include an estimate of the amount of funds to be expended under such subsection with respect to that transfer.

**SEC. 822. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.**

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)) is amended—

(1) by striking “(b) Each lease agreement” and inserting “(b)(1) Each lease agreement”; and

(2) by striking “of not to exceed five years” and inserting “which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,”; and

(3) by adding at the end the following:

“(2) In this subsection, the term ‘major refurbishment work’ means work for which the period of performance is six months or more.”.

**SEC. 823. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking “and to major non-NATO allies on such southern and southeastern flank” and inserting “, to major non-NATO allies on such southern and southeastern flank, and to the Philippines”.

**CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE**

**SEC. 831. INTERNATIONAL COUNTERPROLIFERATION EDUCATION AND TRAINING.**

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

**“SEC. 584. INTERNATIONAL COUNTER-PROLIFERATION EDUCATION AND TRAINING.**

“(a) GENERAL AUTHORITY.—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to foreign governmental and military personnel for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction in the United States.

“(b) ADMINISTRATION OF COURSES.—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs, but may rely upon any of the following agencies to recommend personnel for the education and training, and to administer specific courses of instruction:

“(1) The Department of Defense (including national weapons laboratories under contract with the Department).

“(2) The Department of Energy (including national weapons laboratories under contract with the Department).

“(3) The Department of Commerce.

“(4) The intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).

“(5) The United States Customs Service.

“(6) The Federal Bureau of Investigation.

“(c) PURPOSES.—Education and training activities conducted under this section shall be—

“(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

“(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

“(3) designed to improve the ability of friendly countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.”.

**SEC. 832. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS.**

(a) REPORT.—

(1) IN GENERAL.—The President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture

(including research and experimentation), or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as “NBC weapons”) to any country other than a country referred to in subsection (c) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary of State or Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(2) DEADLINE FOR INITIAL REPORT.—The first such report shall be submitted not later than 90 days after the date of the enactment of this Act and on April 1 of each year thereafter.

(b) MATTERS TO BE INCLUDED.—Each such report shall include, but not be limited to—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary of State or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary of State or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) CONTENT OF REPORT.—Each such report shall include the following with respect to preceding calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary of State or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary of State or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The Secretary of State shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term “designated congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committees on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.—The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) PERSON.—The term “person” means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) WEAPONIZE; WEAPONIZATION.—The term “weaponize” or “weaponization” means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104-208).

(2) CONFORMING AMENDMENTS.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding “and” at the end; and

(B) in paragraph (c), by striking “; and” and inserting a period.

#### **SEC. 833. FIVE-YEAR INTERNATIONAL ARMS CONTROL AND NONPROLIFERATION STRATEGY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a five-year international arms control and nonproliferation strategy. The strategy shall contain the following:

(1) A five-year plan for the reduction of existing nuclear, chemical, and biological weapons and ballistic missiles and for controlling the proliferation of these weapons.

(2) Identification of the goals and objectives of the United States with respect to arms control and nonproliferation of weapons of mass destruction and their delivery systems.

(3) A description of the programs, projects, and activities of the Department of State intended to accomplish goals and objectives described in paragraph (2).

## **Subtitle B—Strengthening the Munitions Licensing Process**

### **SEC. 841. LICENSE OFFICER STAFFING.**

(a) **FUNDING.**—Of the amounts authorized to be appropriated under the appropriations account entitled “DIPLOMATIC AND CONSULAR PROGRAMS” for fiscal years 2002 and 2003, not less than \$10,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for salaries and expenses.

(b) **ASSIGNMENT OF LICENSE REVIEW OFFICERS.**—Effective January 1, 2002, the Secretary of State shall assign to the Office of Defense Trade Controls of the Department of State a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not exceed 40.

(c) **DETAILEES.**—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

### **SEC. 842. FUNDING FOR DATABASE AUTOMATION.**

Of the amounts authorized to be appropriated under the appropriations account entitled “CAPITAL INVESTMENT FUND” for fiscal years 2002 and 2003, not less than \$4,000,000 shall be made available each such fiscal year for the Office of Defense Trade Controls of the Department of State for the modernization of information management systems.

### **SEC. 843. INFORMATION MANAGEMENT PRIORITIES.**

(a) **OBJECTIVE.**—The Secretary of State shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.

(b) **ESTABLISHMENT OF A MAINFRAME.**—Of the amounts made available pursuant to section 842, not less than \$3,000,000 each such fiscal year shall be made available to fully automate the Defense Trade Application System, and to ensure that the system—

(1) is an electronic system for the filing and review of Munitions List license applications;

(2) is secure, with modules available through the Internet; and

(3) is capable of exchanging data with—

(A) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;

(B) the Export Control System of the Central Intelligence Agency; and

(C) the Proliferation Information Network System of the Department of Energy.

(c) **MUNITIONS LIST DEFINED.**—In this section, the term “Munitions List” means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

### **SEC. 844. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.**

(a) **MANDATORY FILING.**—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of the Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, the mandatory filing through the Automated Export System for the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (113 Stat. 1501A–506), as enacted into law by section 1000(a)(7) of Public Law 106–113.

(b) **REQUIREMENT FOR INFORMATION SHARING.**—The Secretary of State shall conclude an information sharing arrangement with the heads of United States Customs Service and the Census Bureau to adjust the Automated Export System to parallel information currently collected by the Department of State.

(c) **SECRETARY OF TREASURY FUNCTIONS.**—Section 303 of title 13, United States Code, is amended by striking “, other than by mail,”.

(d) **FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.**—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “the penal sum of \$1,000” and inserting “a penal sum of \$10,000”; and

(B) in the third sentence, by striking “a penalty not to exceed \$100 for each day’s delinquency beyond the prescribed period, but not more than \$1,000, shall be exacted” and inserting “the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the

Secretary) may impose a civil penalty not to exceed \$1,000 for each day's delinquency beyond the prescribed period, but not more than \$10,000 per violation";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

"(b) Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed \$1,000 for each day's delinquency beyond the prescribed period, but not more than \$10,000 per violation."

(e) ADDITIONAL PENALTIES.—

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

**"§ 305. Penalties for unlawful export information activities**

"(a) CRIMINAL PENALTIES.—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

"(2) Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

"(3) Any person who is convicted under this subsection shall, in addition to any other penalty, forfeit to the United States—

"(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

"(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

"(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

"(b) CIVIL PENALTIES.—The Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

"(c) CIVIL PENALTY PROCEDURE.—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

"(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

"(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in his or her opinion—

"(A) the penalties were incurred without willful negligence or fraud; or

"(B) other circumstances exist that justify a remission or mitigation.

"(4) If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

"(5) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

"(d) ENFORCEMENT.—(1) The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise



such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

“(2) The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

“(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

“(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following:

“305. Penalties for unlawful export information activities.”.

**SEC. 845. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.**

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: “The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.”.

**SEC. 846. CONGRESSIONAL NOTIFICATION THRESHOLDS FOR ALLIED COUNTRIES.**

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in paragraphs (1) and (3)(A) of section 3(d), by adding after “at \$50,000,000 or more” each place it appears the following: “(or, in the case of a transfer to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment valued (in terms of its original acquisition cost) at \$25,000,000 or more, or of defense articles or defense services valued (in terms of its original acquisition cost) at \$100,000,000 or more)”;

(2) in section 36(b)(1), by adding after “for \$14,000,000 or more” the following: “(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment under this Act for \$25,000,000 or more, any defense articles or services for \$100,000,000 or more, or any design and construction services for \$300,000,000 or more)”;

(3) in section 36(b)(5)(C), by adding after “or \$200,000,000 or more in the case of design or construction services” the following: “(or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment for \$25,000,000 or more, any defense articles or services for \$100,000,000 or more, or any design and construction services for \$300,000,000 or more)”;

(4) in section 36(c)(1), by adding after “\$50,000,000 or more” the following: “(or, in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, of any major defense equipment sold under a contract in the amount of \$25,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more)”;

(5) in section 63(a), by adding after “\$50,000,000 or more” the following: “(or, in the case of such an agreement with a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at \$25,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at \$100,000,000 or more)”.

## Subtitle C—Authority to Transfer Naval Vessels

### SEC. 851. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

#### (a) AUTHORITY TO TRANSFER.—

(1) BRAZIL.—The President is authorized to transfer to the Government of Brazil the “Newport” class tank landing ship Peoria (LST 1183). Such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) POLAND.—The President is authorized to transfer to the Government of Poland the “Oliver Hazard Perry” class guided missile frigate Wadsworth (FFG 9). Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(3) TAIWAN.—The President is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the “Kidd” class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995), and Chandler (DDG 996). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(4) TURKEY.—The President is authorized to transfer to the “Oliver Hazard Perry” class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morrison (FFG 13). Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761). The President is further authorized to transfer to the Government of Turkey the “Knox” class frigates Capadanno (FF 1093), Thomas C. Hart (FF 1092), Donald B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bowen (FF 1079). The transfer of these 6 “Knox” class frigates shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(c) COSTS OF TRANSFERS.—Notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)), any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under subsection (a) shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a United States Navy shipyard or other shipyard located in the United States.

(e) EXPIRATION OF AUTHORITY.—The authority provided under subsection (a) shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

## Subtitle D—Miscellaneous Provisions

### SEC. 861. ANNUAL FOREIGN MILITARY TRAINING REPORTS.

Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—

(1) by striking “Not later than January 31 of each year,” and inserting “Upon written request by the chairman or ranking member of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate,”; and

(2) by inserting “of a country specified in the request” after “personnel”.

### SEC. 862. REPORT RELATING TO INTERNATIONAL ARMS SALES CODE OF CONDUCT.

Section 1262(c) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–508) is amended—

(1) in paragraph (1)—

(A) by striking “commencement of the negotiations under subsection (a),” and inserting “date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003,”; and

(B) by striking “during these negotiations.” and inserting “to begin negotiations and any progress made to conclude an agreement during negotiations.”; and  
 (2) in paragraph (2), by striking “subsection (a)” and inserting “subsection (b)”.

#### HEARINGS

The Committee’s Subcommittee on International Operations and Human Rights held two hearings on issues related to the State Department Authorization bill for FY 02 and 03. The first hearing, entitled “International Broadcasting: Its Mission, Budget and Future,” was held on February 28, 2001. Testimony was received from the Chairman of the Broadcasting Board of Governors, Marc B. Nathanson. On March 7, 2001, the Subcommittee held a hearing on the State Department’s *Country Reports on Human Rights Practices, and Structures for Promoting Human Rights in U.S. Foreign Policy*. Testimony was received from Mr. Carlos Salinas, Acting Director for Government Relations, Amnesty International; Ms. Elisa Massimino, Washington Director, Lawyers Committee for Human Rights; Mr. Paul Marshall, Senior Fellow, Center for Religious Freedom, Freedom House; Mr. William D. Hartung, President’s Fellow, World Policy Institute; Mr. Steven Rickard, Director, Robert F. Kennedy Memorial Center for Human Rights; and Ms. Catherine del Pino, Deputy Director, Center for Northeast Asian Policy Studies of The Brookings Institution.

The Committee on International Relations held three hearings related to the State Department Authorization Bill. The first, entitled, “State Department: In the Lead on Foreign Policy?” was held on February 14, 2001. Testimony was received from: Rep. Harold Rogers, former Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary; Hon. Frank Carlucci, Chairman, Report of an Independent Task Force: “State Department Reform”; and Mr. Lewis B. Kaden, Chairman, Overseas Presence Advisory Panel. On March 1, 2001, the Committee held a hearing entitled, “Conducting Diplomacy in a Global Age,” and heard testimony from: Hon. Marc Grossman, Director General of the Foreign Service, and Director of Human Resources; Mr. Marshall Adair, President, American Foreign Service Association; and Mr. Gary R. Galloway, Vice President, American Federal Government Employees. Secretary of State Colin L. Powell testified before the Committee on March 7, 2001, at a hearing entitled, “Reinvigorating U.S. Foreign Policy.”

#### COMMITTEE CONSIDERATION

On May 2, 2001, the International Relations Committee marked up the bill, pursuant to notice, in open session. The Committee agreed to a motion offered by Chairman Hyde to favorably report the bill to the House of Representatives, by a voice vote, a quorum being present.

#### VOTES OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee report.

1. Ms. Lee offered an amendment adding a subtitle on "Global Democracy Promotion Act of 2001." The amendment was agreed to by a rollcall vote of 26 ayes to 22 noes.

Voting yes: Gilman, Leach, Houghton, Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown, McKinney, Hastings, Hilliard, Sherman, Wexler, Davis (FL), Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, and Schiff.

Voting no: Bereuter, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, King, Chabot, Burr, Cooksey, Tancredo, Paul, Smith (MI), Pitts, Issa, Cantor, Flake, Kerns, Davis (VA) and Hyde.

2. Mr. Flake offered an en bloc amendment which would delete funding for the North-South Center and the Asia Foundation. The amendment was defeated by a rollcall vote of 6 ayes to 30 noes.

Voting yes: Chabot, Tancredo, Paul, Cantor, Flake, and Kerns

Voting no: Gilman, Leach, Smith (NJ), Burton, Ros-Lehtinen, Houghton, Pitts, Issa, Davis (VA), Lantos, Berman, Ackerman, Faleomavaega, Menendez, McKinney, Hastings, Hilliard, Wexler, Davis (FL), Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, and Hyde.

3. Mr. Leach offered an en bloc amendment calling for a renewal of U.S. participation in the United Nations Educational, Scientific and Cultural Organization (UNESCO). The amendment was agreed to by a rollcall vote of 23 ayes to 14 noes.

Voting yes: Leach, Houghton, Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, McKinney, Hastings, Hilliard, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, and Schiff.

Voting no: Gilman, Smith (NJ), Ros-Lehtinen, King, Chabot, Tancredo, Paul, Pitts, Issa, Cantor, Flake, Kerns, Davis (VA), and Hyde.

4. Mr. Menendez offered an amendment regarding global warming and the Kyoto Protocol. The amendment was agreed to by a rollcall vote of 23 ayes to 20 noes.

Voting yes: Smith (NJ), Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown, McKinney, Hilliard, Sherman, Wexler, Davis (FL), Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, and Schiff.

Voting no: Gilman, Burton, Gallegly, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, King, Chabot, McHugh, Cooksey, Tancredo, Paul, Pitts, Issa, Cantor, Flake, Kerns, Davis (VA), and Hyde.

#### BACKGROUND AND NEED FOR THE LEGISLATION

H.R. 1646 the Foreign Relations Authorization Act, represents a bipartisan measure to authorize appropriations for fiscal years 2002 and 2003 for the Department of State and for the Broadcasting Board of Governors which is responsible for non-military U.S. international broadcasting.

It authorizes to be appropriated \$8.3 billion in fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for the operations of the State Department, and \$584 million in fiscal year 2002 and such sums as may be necessary for 2003 for the Broadcasting Board of Governors.

The President has requested and the Committee is recommending a substantial increase in the amounts authorized for the State Department's operating accounts, particularly with respect to embassy security, personnel, and improvements in its computer platform. The Committee received ample testimony that, for example, additional personnel to create a training pool is necessary to promote a more stable assignment process, and that the exercise of diplomatic power in the 21st century requires a rapid and robust modernization of the Department's computer platform. The Committee's recommendations and the modest improvement in the quality of life for the nation's diplomats contained in this bill are a down payment towards a more efficient and modern Department of State that is able to project U.S. diplomatic power around the globe.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the resolution, H.R. 1646, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 4, 2001.*

Hon. HENRY J. HYDE, *Chairman,*  
*Committee on International Relations,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1646, the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable Tom Lantos  
Ranking Democratic Member

*H.R. 1646—Foreign Relations Authorization Act, Fiscal Years 2002 and 2003.*

SUMMARY

The bill would authorize appropriations for the Department of State and related agencies for 2002 and 2003. CBO estimates that appropriation of the authorized amounts would result in additional discretionary spending of \$16.2 billion over the 2002–2006 period. The legislation also would increase direct spending by \$582 million in 2001 and by \$244 million over the 2002–2006 period, and would result in receipts from asset sales totaling an estimated \$100 million. CBO estimates that H.R. 1646 would increase governmental receipts (revenues) by an insignificant amount each year by increasing the amount of existing civil penalties and creating new criminal penalties related to export controls. Because the bill would affect direct spending and revenues, pay-as-you-go procedures would apply.

H.R. 1646 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments. The bill would impose a private-sector mandate, but CBO estimates that the direct cost of the mandate would fall well below the annual threshold established by UMRA (\$113 million in 2001, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1646 is shown in the following table. CBO assumes that the authorized amounts would be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), and 750 (administration of justice).

By fiscal year, in millions of dollars						
	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority <sup>1</sup>	7,915	0	0	0	0	0
Estimated Outlays	7,225	1,745	999	620	285	122
Proposed Changes						
Authorization Level <sup>2</sup>	0	8,251	8,299	1	1	1
Estimated Outlays	0	6,321	7,456	1,555	631	228
Spending Under H.R. 1646						
Authorization Level <sup>1,2</sup>	7,915	8,251	8,299	1	1	1
Estimated Outlays	7,225	8,066	8,455	2,175	916	350
CHANGES IN DIRECT SPENDING						
Estimated Budget Authority	*	*	*	*	*	*
Estimated Outlays	582	244	*	*	*	*
ASSET SALES						
Estimated Budget Authority	0	–18	–82	0	0	0
Estimated Outlays	0	–18	–82	0	0	0
CHANGES IN REVENUES						
Estimated Revenues	*	*	*	*	*	*

NOTE: \* = Less than \$500,000.

<sup>1</sup>The 2001 level is the amount appropriated for that year.

<sup>2</sup>The amounts shown reflect anticipated inflation; without adjustments for inflation, the total would be roughly \$180 million lower.

#### BASIS OF ESTIMATE

##### *Spending Subject to Appropriation*

CBO estimates that implementing H.R. 1646 would cost \$16.2 billion over the 2002–2006 period, assuming appropriation of the authorized amounts. The bill would authorize appropriations of \$8.2 billion for fiscal year 2002. For 2003, it would specify authorizations totaling \$954 million and would authorize such sums as may be necessary for a number of programs and activities. Assuming that the latter are funded at the 2002 level adjusted for inflation, CBO estimates that the 2003 authorizations would total \$8.3 billion. (If the indefinite authorizations for 2003 were assumed to be funded at the 2002 level, the 2003 authorizations would total \$8.1 billion.) In addition, the bill contains other provisions with potential budgetary impacts.

*Indefinite Authorizations for Currency Fluctuations.* Section 104(c) would authorize such sums as may be necessary in 2002 and 2003 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. Currency fluctuations are extremely difficult to estimate in advance, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate includes no costs associated with currency fluctuations.

*Miscellaneous Provisions.* Section 821 would authorize the use of Department of Defense (DoD) funds to pack and transport excess defense articles to certain East European and Central Asian countries in 2002 and 2003. This authority has been used infrequently in the past. Based on information provided by the Department of Defense, CBO estimates that enacting the provision could add \$1 million to defense spending in each of the fiscal years 2002 and 2003, assuming the appropriation of the necessary funds.

The bill includes several provisions that would expand or introduce new reporting requirements. Combined, these provisions would raise spending subject to appropriation by about \$1 million annually, but each provision would probably cost less than \$500,000 a year.

##### *Direct Spending, Asset Sales, and Revenues*

CBO estimates that the bill would increase direct spending by \$582 million in 2001 and \$244 million in 2002, result in receipts from asset sales totaling \$100 million, and increase revenues by less than \$500,000 annually.

*Payment of United Nations Arrears.* Section 601 would amend current law to permit the release of arrearage payments to the United Nations. CBO estimates that under the bill, the State Department would release \$582 million in 2001 and \$244 million in 2002 that cannot be released under current law. In 1999, Public Law 105–277 appropriated \$475 million for arrearage payments. An additional \$351 million was provided in 2000 in Public Law

106–113. Under current law, however, those funds cannot be disbursed until certain conditions have been met. One of those conditions—which has not been met and cannot be waived—is that the United Nations lower the United States’ assessment rate for peacekeeping activities from 31 percent to 25 percent. The bill would drop this requirement and would also ease other conditions attached to the funds appropriated in 2000. These changes would permit disbursement of the \$826 million that has already been appropriated. Because this provision would affect outlays from funds already appropriated and would not depend on future appropriation action, the additional outlays are considered direct spending for scorekeeping purposes.

*Fees for Machine Readable Visas.* The bill would extend, through 2003, the Secretary of State’s authority to charge a fee for machine readable visas and to spend the collections on consular activities. Authority to collect and spend these fees through 2002 was provided in Public Law 106–553. Based on information from the Department of State, CBO estimates the department would collect and spend \$368 million in 2003 under this authority.

*Authority to Transfer Naval Vessels.* H.R. 1646 would authorize the transfer of 14 naval vessels to foreign countries. It would authorize the sale of seven vessels; the other seven would be given away. Information from DoD indicates that the asking price for the seven ships would be approximately \$175 million. There is significant uncertainty as to whether all seven vessels would be sold and what the sale price might be. Reflecting this uncertainty, CBO estimates that receipts from these sales would total \$18 million in 2002 and \$82 million in 2003.

*Miscellaneous Provisions.* Several provisions in the bill would have little or no effect on direct spending or revenues.

*Reimbursements for International Litigation Fund.* The bill would allow the State Department to retain, as reimbursement for preparing or prosecuting a claim against a foreign government or entity, a portion of awards received. Based on information from the Department of State, CBO estimates the department would collect and spend less than \$1 million a year.

*Export Controls.* H.R. 1646 would raise governmental receipts (revenues) by increasing the amount of existing civil penalties and establishing new criminal penalties that would be assessed against exporters who fail to submit accurate information to the Department of Commerce (DOC). Based on information from that department, CBO estimates that the increase in revenues would not be significant in any year. Collections of criminal fines are deposited in the Crime Victims Fund and are spent in subsequent years. Based on information from the DOC, CBO estimates that the criminal penalties that would be created under H.R.1646 would increase direct spending from the Crime Victims Fund by less than \$500,000 per year.

*Reimbursements for Emergency Overseas Evacuation.* H.R. 1646 would allow the State Department to seek reimbursements for the emergency evacuation of employees of the U.S. government, their dependents, private U.S. citizens, and foreign nationals. According to the Department of State, this section of the bill codifies existing practice and would have no impact on the budget.



*Foreign National Retirement Plans.* The bill would amend section 3968 of the Foreign Service Act of 1980 (Public Law 96–465), which provides for the compensation and benefits of foreign nationals who work for the United States abroad. Under the Foreign Service Act, the Department of State is authorized to set aside funds on the behalf of employees for the purpose of paying them a lump-sum payment once they retire or terminate employment. Although such deposits are not being made at the present time, current law allows the State Department to retain a private financial institution for the purpose of holding and investing those funds. The bill would give the State Department the option of depositing these monies into a fund established by the U.S. Treasury Department. The funds would be the property of the federal government regardless of where they are held. Thus, CBO estimates that this provision would have no budgetary impact.

*Official Reception and Representation Expenses.* Section 811 would increase the amount that the DoD can spend on official reception and representation expenses from foreign military sales receipts by \$14,000 each year.

#### PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing pay-as-you-go procedures, only the effects in the current year, the budget year, and the succeeding four years are counted.

	By fiscal year, in millions of dollars									
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Changes in outlays	582	226	–82	0	0	0	0	0	0	0
Changes in receipts	0	0	0	0	0	0	0	0	0	0

#### ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 1646 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

#### ESTIMATED IMPACT ON THE PRIVATE SECTOR

H.R. 1646 would impose a private-sector mandate by requiring exporters or their agents, not covered under current regulations, to file Shippers Export Declarations through the Automated Export System (AES). Based on information provided by the Bureau of the Census, CBO estimates that the cost of filing through the AES would be minimal as the system is a free, on-line, electronic reporting system. Most exporters are currently required to file their reports through the AES. The cost for the remaining exporters to shift from their current filing process to the electronic system required in the bill would be small. Thus, the direct cost of the mandate in the bill would fall well below the annual threshold established by UMRA (\$113 million in 2001, adjusted annually for inflation).

PREVIOUS CBO ESTIMATE

On February 13, 2001, CBO prepared a cost estimate for S. 248 as passed by the Senate. That act would release arrearage payments of \$582 million in 2001. Section 601 of H.R. 1646 is similar to S. 248, but it would, in addition, authorize the release of \$244 million in 2002.

ESTIMATE PREPARED BY:

Federal Costs:

State Department: Sunita D'Monte (226–2840)

Security Assistance: Joseph Whitehill (226–2840)

Export Controls: Ken Johnson (226–2860) and Erin Whitaker (226–2680)

Foreign National Retirement Plan: Geoffrey Gerhardt (226–2820)

Impact on State, Local, and Tribal Governments: Leo Lex (225–3220)

Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Robert A. Sunshine

Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to provide authorization for the activities of the Department of State for fiscal years 2002 and 2003.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the authority for this legislation in Article I, section 8, clause 18 of the Constitution.

FY 2002 International Affairs Function 150 Summary Commerce, Justice, State Appropriations  
\$ in Thousands

	FY 2001 Auth.	FY 2001 Approp.	FY 2002 Auth. H.R. 1646	FY 2002 Request
Diplomatic & Consular Programs	3,263,438	3,167,174	3,705,140	3,705,140
Worldwide Security Upgrades	315,000	409,098	487,735	487,735
Capital Investment Fund	150,000	96,787	210,000	210,000
Embassy Security Construction & Maint.				
Ongoing Operations	445,000	416,059	475,046	475,046
Security (Construction)	900,000	513,867	*900,000	815,960
Educational & Cultural Exchange Programs	225,000	231,576	242,000	242,000
Office of the Inspector General	30,054	28,427	29,264	29,264
Other State Department Programs				
Representation Allowances	5,850	6,485	9,000	9,000
Protection of Foreign Missions and Officials	9,490	15,433	10,000	10,000
Emergencies in Diplomatic & Consular Service	17,000	5,465	15,500	15,500
Payment to the American Institute in Taiwan	15,918	16,309	17,044	17,044
Repatriation Loans	1,200	1,192	1,219	1,219
International Organizations:				
Contributions for International Peacekeeping	such sums	844,139	844,139	844,139
Contributions to International Organizations	940,000	868,917	944,067	878,767
Voluntary Contributions to Inter. Organizations	293,000	186,000	306,000	186,000
International Commissions (non-Function 150):				
Int'l Boundary & Water Commission-S&E	20,413	7,126	7,452	7,452
Int'l Boundary & Water Commission-Construction	8,435	22,900	25,654	25,654
International Fisheries Commission	16,702	19,349	19,780	19,780
International Boundary Commission	859	968	989	989
International Joint Commission	3,819	3,763	7,282	7,282
Refugees	750,000	698,460	817,000	715,000
Related Appropriations:				
The Asia Foundation	15,000	9,230	15,000	9,250
National Endowment for Democracy	32,000	30,931	36,000	31,000
East-West Center	12,500	13,470	13,500	13,500
North-South Center**	2,500	—	4,000	—
Related Agency-Broadcasting Board of Governors	467,229	450,431		470,000
<b>TOTAL</b>	<b>7,940,407</b>	<b>8,063,556</b>	<b>8,242,811</b>	<b>9,226,721</b>

\* Authorized in PL 106-113.

\*\* Funding assumed within the educational and cultural programs account.

### SECTION-BY-SECTION ANALYSIS AND DISCUSSION

### Foreign Relations Authorization for Fiscal Years 2002 and 2003

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

*Section 101—Authorization of Appropriations—Administration of Foreign Affairs.*

This section authorizes the State Department's FY 2002 and 2003 operating budget at \$4,714,167,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003.

*101(1)—Diplomatic and Consular Programs.* This section authorizes \$3,705,140,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for diplomatic and consular programs.

Of the total amount, \$487,735,000 is specifically authorized for worldwide security upgrades for fiscal year 2002 and such sums as may be necessary for fiscal year 2003; for the salaries and expenses of the Department's Bureau of Democracy, Human Rights, and Labor, \$16,000,000 is authorized for fiscal year 2002 and \$20,000,000 for fiscal year 2003; for the recruitment of members of minority groups for careers in the Foreign Service and international affairs \$2,000,000 is authorized for fiscal years 2002 and 2003; and \$70,000 is authorized for a mobile library at the U.S. Interests Section in Cuba for fiscal years 2002 and 2003.

*101(b)(ii)* This section provides an increase in the funding for the Bureau of Democracy, Human Rights and Labor, from \$12 million in FY2000 and 2001 to \$16 million in FY2002 and \$20 million in FY2003. The Committee believes that these issues should be core values in U.S. foreign policy, and that this function should be enhanced within the Department. In particular, promotion of democracy abroad advances this country's values, international stability and economic freedom. The increase in the Bureau's budget should also be viewed in the context of section 205, regarding positions abroad that are primarily responsible for following human rights developments in foreign countries.

*Public Diplomacy.* The Committee supported the reorganization of foreign affairs agencies in 1999, and has followed with interest the progress of merging the former USIA and its public diplomacy activities into the Department of State. One of the organizational consequences of the merger is that the former USIS overseas posts, now the public diplomacy sections in our embassies, report to the State Department's regional bureaus, and are less related to the Washington units which provide exchange and international information programs and the funding for them. Given the many competing and urgent priorities the regional bureaus must confront, this arrangement could lead over time to a diminution of focus and staff resources for public diplomacy in the field. The Committee encourages the Department to ensure that the overseas public diplomacy sections have a clear mandate to carry out these activities as their first priority, as well as adequate staff and other resources for these important tasks. Moreover, the Committee continues to monitor the implementation of section 1333 of the Foreign Affairs Reform and Restructuring Act of 1998, providing that funds budgeted for public diplomacy may only be used for that purpose.

*The African Growth and Opportunity Act.* The African Growth and Opportunity Act (P.L. 106–200) requires the public diplomacy operation to disseminate regularly in Africa through various media outlets economic information in support of the free market eco-

conomic reform it is designed to promote. The Committee notes with approval such efforts being undertaken by the State Department's public diplomacy offices, particularly the Africa bureau's Office of Public Diplomacy. These activities have proven helpful in enhancing U.S.-Africa commercial ties.

*Increased Resources for African Bureau.* The Committee is concerned regarding the decline in U.S. diplomatic presence in Africa over the last 10 years. This decline has come at a critical time when U.S. economic, political, security, humanitarian, and cultural interests in Africa require more attention than ever before. Today, the United States is at its weakest diplomatic position in several decades. In 1991, we employed 1,956 individuals. In 1999, this number dropped to 792. As noted above, last year, Congress passed the African Growth and Opportunity Act (AGOA) that created opportunities for new trade relations between African countries and the U.S. Yet, without an effective diplomatic presence in Africa we cannot strengthen and facilitate stronger commercial relationships between the United States and the African continent.

Our interests in Africa are not just commercial. We also have a major interest in monitoring and promoting human rights. Stable and transparent democracies in Africa will create strong, dynamic governments and economies with which we can establish strong bilateral relations. Moreover, 75 percent of HIV infections are in Africa where resources to confront the epidemic are most scarce. This epidemic has the potential to devastate African populations and deny both the United States and Africa opportunities to develop future economic and political relations. Our presence in Africa is vital to promote attention to the epidemic and help with education, treatment, and research to stem the tide of HIV/AIDS. Finally, it is within our national self-interest to work bilaterally and with multilateral institutions to make sure African security crises do not create opportunities for hostile governmental and nongovernmental forces to exploit tragedy and produce rogue forces hostile to the United States.

Given the significant new resources the Committee is recommending for State Department operating expenses, particularly personnel, the Committee recommends the Department make a significant increase in personnel addressing Africa issues, both in the Bureau of African Affairs and at diplomatic posts in Africa.

*101(2)—Capital Investment Fund.* Authorizes \$210,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 to modernize the Department's computer systems.

*101(3)—Security and Maintenance of United States Missions.* Authorizes \$475,046,000 for fiscal years 2002 and such sums as may be necessary for fiscal year 2003 for the security and maintenance of U.S. missions abroad. Separately authorized in P.L. 106-113 is \$900,000,000 for each of the fiscal years 2002, 2003, and 2004 for embassy security construction. These funds were specifically authorized for security upgrades, to cover the costs of the relocation and construction necessary to rectify security deficiencies at posts abroad. Therefore, embassy security construction is not authorized in this bill. The total authorization available in fiscal year 2002 is \$1,375,046,000.

*101(4)—Representation Allowances.* Authorizes \$9,000,000 for fiscal years 2002 and 2003 to be used for the reimbursement of the

costs incurred by Department officials for official representation overseas.

*101(5)—Emergencies in the Diplomatic and Consular Service.* Authorizes \$15,500,000 for fiscal years 2002 and 2003 for emergencies, such as evacuations of American citizens abroad, and for the payment of rewards, such as for information regarding international terrorism and narcoterrorism. In addition, certain representational expenses of certain senior Department officials are authorized in this account.

*101(6)—Office of the Inspector General.* Authorizes \$29,264,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for the Office of the Inspector General.

*101(7)—American Institute in Taiwan.* Authorizes \$17,044,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for the operations of the American Institute in Taiwan.

*101(8)—Protection of Foreign Missions and Officials.* Authorizes \$10,000,000 for fiscal years 2002 and 2003 for the protection of foreign missions and officials.

*101(9)—Repatriation Loans.* Authorizes \$1,219,000 for fiscal years 2002 and 2003 for repatriation loans provided to Americans in need of assistance overseas.

#### *Section 102—International Commissions.*

Authorizes \$61,157,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for salaries and expenses and for construction of the International Boundary and Water Commission; for the International Boundary Commission, United States and Canada; for the International Joint Commission and; for the International Fisheries Commission. These organizations are responsible for boundary, water, and resource issues along U.S. borders and adjacent waters.

#### *Section 103—Educational and Cultural Exchange Programs.*

*103(1)* This section authorizes a total of \$242,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for educational and cultural exchange programs. The total is divided as follows: \$125,000,000 in fiscal year 2002 and such sums as may be necessary in fiscal year 2003 for the Fulbright exchange program and \$117,000,000 in fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for “Other Exchange Programs.” Within the Fulbright program, \$500,000 is available for each year for Tibetan Exchanges. Within the “Other Exchange Programs,” spending is directed for each fiscal year for South Pacific Exchanges (\$750,000), East Timorese Scholarships (\$500,000), Sudanese scholarships (\$500,000), African exchanges (\$500,000), and for the Israel-Arab Peace Partners program (\$750,000).

The Committee recognizes the importance of international academic and cultural exchange programs. Organizations like International Partners in Education can help governments and non-governmental organizations promote the education of students. Therefore, the Committee recommends that the State Department work with International Partners in Education as the Department develops and carries out its international academic and cultural exchange programs.

The Committee also recommends that the State Department strongly consider a unique student exchange program hosted at the New Jersey and Jerusalem college campuses of the Beth Madrash Govoha of America. Students from all over the world participate in this program, which specializes in Judaic heritage, culture, ethics and law and in related democratic values and ideals. Students are specifically recruited from third world and poor countries; countries where democratic values are under attack; and countries whose people are suffering from internal and external conflict. The program is currently funded through private donations, but in order to meet a sharp increase in demand, the school is seeking Federal assistance to allow more students to participate. The Committee believes the program makes unique contributions to U.S./foreign educational partnerships and is a worthy candidate for a grant under this section.

*103(2)—National Endowment for Democracy (NED).* This section authorizes \$36,000,000 for fiscal year 2002 and \$40,000,000 for fiscal year 2003 for the NED.

*103(3)—Reagan-Fascell Democracy Fellows.* This section authorizes \$1,000,000 for both fiscal years 2002 and 2003 for the Reagan-Fascell Democracy Fellows for international democracy activists and scholars to study and exchange views with other activists and scholars.

*103(4)—Dante B. Fascell North-South Center.* This section authorizes \$4,000,000 for fiscal years 2002 and 2003 for the Dante B. Fascell North-South Center.

*103(5)—Center for Cultural and Technical Interchange between East and West.* This section authorizes \$13,500,000 for fiscal years 2002 and 2003 for the East-West Center. These funds are for operations and expansion of programs of constructive involvement with nations in Asia and the Pacific through education, research and outreach.

#### *Section 104—International Organizations.*

*104(a)(1)—Assessed Contributions to International Organizations.* Authorizes \$944,067,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for assessed contributions to international organizations. As introduced, the bill funded this account at the President's request level for fiscal year 2002. An amendment was adopted during Committee consideration to increase the account by \$65,300,000 for purposes of authorizing the amounts necessary to cover the costs of rejoining UNESCO.

*104(b)(2)—Civil Budget of NATO.* Provides such sums as may be necessary and a permanent authority for the State Department to pay for the U.S. assessment of the civil budget of NATO. This section also provides for permanent authorization of the U.S. assessment for the civil budget of the North Atlantic Treaty Organization. NATO remains a cornerstone of our security relationship in Europe and beyond. The permanent authorization ensures that whatever amounts are requested by the Administration in any future fiscal year is authorized.

*104(c)—Prohibition on Funding Framework Treaty-Based Organizations.* This section continues a prohibition on using funds from the CIO account for the assessments for certain framework treaty organizations.

*104(d)—Foreign Currency Exchange Rates.* This section provides such sums as may be necessary for fiscal years 2002 and 2003 to offset adverse fluctuations in foreign currency exchange rates.

*104(e)—Refund of Excess Contributions.* This section reaffirms the policy that the U.N. and its specialized agencies shall credit the next year's assessment or refund member states if funds exceed the budgeted expenditures. An example of when there might be extra money is if there are exchange rate gains. The purpose of the provision is not to increase spending above what is budgeted for a given year if there are excess funds.

*Section 105—Assessed Contributions for International Peacekeeping Activities.*

Authorizes \$844,139,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for assessed contributions for international peacekeeping activities.

*Section 106—Grants to the Asia Foundation.*

Authorizes \$15,000,000 for fiscal years 2002 and 2003 for grants to the Asia Foundation.

*Section 107—Voluntary Contributions to International Organizations.*

This section authorizes a total of \$306,000,000 for U.S. voluntary contributions to international organizations. Of the total, spending is directed as follows: \$5,000,000 for fiscal years 2002 and 2003 for the World Food Program; \$5,000,000 for fiscal years 2002 and 2003 for the U.N. Voluntary Fund for Victims of Torture; and \$240,000 for fiscal years 2002 and 2003 for the Organizations of American States for the purpose of conducting investigations and dissemination of information on violations of freedom of expression by the Government of Cuba, Colombia, and Haiti.

The Committee welcomes the focus of the United Nations Development Programme (UNDP) on critical areas such as democratic governance, HIV/AIDS, conflict prevention and post-conflict reconstruction in developing and transition countries, as well as its work to coordinate UN development agencies at country level. The UNDP's headquarters remains based in the United States. Accordingly, the Committee recommends a U.S. contribution of \$100 million for UNDP in fiscal year 2002.

*107(c)—Restrictions on U.S. voluntary contributions to UNDP.* This section carries over a provision of existing law that requires the withholding from U.S. voluntary contributions to the United Nations Development Program (UNDP) of an amount equal to the amount UNDP intends to spend in Burma during each of the fiscal years 2002 and 2003, unless the President certifies to Congress that UNDP programs in Burma are focused on eliminating human suffering and addressing the needs of the poor; are undertaken only through international or private voluntary organizations that have been deemed independent of Burma's military dictatorship, the State Peace and Development Council (SPDC), formerly the State Law and Order Restoration Council (SLORC); provide no financial, political, or military benefit to the SPDC; and are carried out only after consultations with the leadership of the principal Burmese pro-democracy organizations, the National League for De-



mocracy (NLD) and the National Coalition Government of the Union of Burma (NCGUB).

The Committee remains concerned about UNDP programs in Burma. UNDP and Administration officials have assured the Committee that such programs do not benefit the SPDC. Committee members, however, continue to receive reports that UNDP officials regularly consult with the SPDC on Burma programs, that they consult only peremptorily with pro-democracy organizations, and that UNDP programs in Burma have the effect of enhancing the international prestige and domestic power of the SPDC. The certification requirement is intended to provide additional assurances that UNDP programs are truly independent of the SPDC, to make clear to UNDP officials that their activities in Burma should be limited to addressing the basic human needs of the poor and disadvantaged people of Burma, and that they should do so only after full and genuine consultation with the NLD and NCGUB, the duly elected political leadership of the people of Burma.

The Committee expects that in determining whether UNDP programs in Burma meet the conditions set forth in this subsection, the Department shall rely on assessments by experts and non-governmental organizations independent of UNDP. It would be helpful for the Department to consult with the Committee in the selection of such experts and organizations.

*107(d)—UNICEF.* This section provides additional authorization of \$120,000,000 for fiscal years 2002 for UNICEF from an appropriate account.

*107(e)—Organizations and Programs That Support Coercive Abortion or Involuntary Sterilization.* This section prohibits funding under this act to any organization which supports, or which participates in the management of, a program of forced abortion or involuntary sterilization.

#### *Section 108—Migration and Refugee Assistance.*

This provision provides \$817,000,000 for fiscal years 2002 and 2003 for refugee and migration programs.

This is the amount necessary to keep the amount available for worldwide refugee protection level in constant dollars over the last 6 years. The refugee account is the only major State Department account which has not received sufficient annual increases since fiscal year 1995 to compensate for the effects of inflation. Yet the number of refugees and other persons in need of protection, such as internally displaced persons and refugees who have repatriated but not yet been fully reintegrated in their home countries, is at least as great as it was 6 years ago, and the per capita cost of providing such protection has increased substantially. The resulting shortfalls in the protection budgets of the United Nations High Commissioner for Refugees and other international and nongovernmental organizations devoted to providing food, shelter, and other basic necessities to refugees have contributed to increased instability, to involuntary and unsafe repatriation, and in some cases to dramatic increases in infant and child mortality.

Refugee protection is particularly jeopardized in Africa, where UNHCR's protection capacity is historically weak and understaffed despite the needs of more than 6 million refugees and other persons of concern. Among other needs that are not being met, the

United States Committee for Refugees estimates that there is an immediate need for 100 additional UNHCR Protection Officers in Africa, at an estimated cost of \$15 million. Yet the new High Commissioner, Ruud Lubbers, recently announced the need for further UNHCR budget cuts in light of a 20% shortfall in anticipated commitments from donor nations.

The Committee remains deeply concerned about the fate of East Timorese refugees in militia-controlled camps in Indonesian West Timor. The Committee deplores the failure of the Indonesian government and security forces to disarm and disband militia groups which have enjoyed close relationships with elements of these forces, and which continue to intimidate refugees, spread misinformation, prevent safe and full access to refugees by international and local humanitarian workers, and threaten the peace and security of East Timor. The Committee is troubled by worsening humanitarian conditions for East Timorese refugees in the camps and elsewhere, particularly widespread malnutrition and disease; reports of sexual enslavement of women and girls; and the separation of East Timorese children from their refugee parents. The Committee urges the Department of State to monitor closely the refugee situation in West Timor and, insofar as is possible, to provide funding to improve health, food, and other humanitarian conditions for refugees in West Timor and to assist in refugee repatriation and resettlement. Due to the current inability of the United Nations High Commissioner for Refugees and other international organizations to operate in West Timor, the Committee recommends the Department explore alternative means of providing humanitarian support, including funding for West Timorese nongovernmental organizations and humanitarian agencies of the West Timor provincial government.

*Afghanistan.* The Committee is concerned about the rapidly deteriorating humanitarian conditions inside Afghanistan as a result of continued fighting and the extreme drought that is affecting much of the country. There are credible reports of perilous increases in malnutrition rates—particularly with women, children and the elderly. The Committee is also concerned that the expected migration of Afghan refugees to Pakistan and Iran due to the worsening situation inside Afghanistan will create a humanitarian tragedy as both of those countries have closed their borders to additional refugees. The Committee urges the State Department to continue its efforts, working with the U.S. Agency for International Development, to coordinate with the United Nations Office of Coordination for Humanitarian Affairs (UNOCHA), the World Food Program (WFP), United Nations High Commissioner for Refugees (UNHCR) and other international donors to step up international relief efforts inside Afghanistan as well as to increase assistance for refugees in neighboring countries. The Committee also calls on the State Department to exert all its influence with the neighboring countries to implore them to continue providing safe harbor to the refugees from Afghanistan fleeing conflict, persecution or famine.

#### *Section 121—International Broadcasting Operations.*

This section authorizes a total of \$584,000,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for the Broadcasting Board of Governors to carry out certain inter-

national broadcasting activities. Included in the total authorization are the following:

*121(a)(1)(B)(i)—Belize.* Authorizes \$750,000 is to be used solely for the enhancements of transmission facilities in Belize and the cost of transmissions in Belize. An integral part of U.S. broadcasting in the Western Hemisphere is the need to reach the people in the Andean region who are deprived of factual information about developments within and outside their countries, and about U.S. efforts to assist them in their struggle to reclaim their lives from the narcotraffickers and guerrillas. Another high priority for the U.S. is the use of Radio and TV Marti to lift the veil of silence that the Castro dictatorship has imposed on the Cuban people. Through broadcasting to Cuba, we are able to inform and educate the growing dissident and political opposition movement to provide them with the necessary tools and support to continue their efforts to bring freedom and democracy to their island nation. The Cuban regime has intensified its jamming of U.S. broadcasts with the assistance and guidance of an expert in this field—the People's Republic of China. Enhancements to the Belize facility will help increase the capacity of the Office of Cuba Broadcasting to evade the jamming by the Cuban regime and will help ensure that our programs and transmission are heard by the people in the targeted areas of the Hemisphere

*121(a)(1)(B)(ii)—Radio Free Asia.* Authorizes \$30,000,000 for fiscal year 2002 and \$30,000,000 for fiscal year 2003 for Radio Free Asia.

*121(a)(2)—Broadcasting Capital Improvements.* This section authorizes \$16,900,000 for fiscal year 2002 and such sums as may be necessary for fiscal year 2003 for broadcasting capital projects.

*121(a)(3)—Broadcasting to Cuba.* Authorizes \$25,000,000 fiscal years 2002 and year 2003 for Cuba broadcasting.

*121(b)—Continuation of Additional Authorization.* This section updates P.L. 106–286, concerning Permanent Normal Trade Relations for the People's Republic of China, to extend the authorization for additional Radio Free Asia and Voice of America broadcasts to China and neighboring countries, in the total amount of \$99,000,000 for fiscal year 2002 and \$34,000,000 in fiscal year 2003.

*121(c)—Middle East Radio Network.* This section authorizes \$15,000,000 for fiscal year 2002 for Enhanced Voice of America broadcast services to the Middle East.

#### TITLE I, SUBTITLE C

SUBTITLE C IS THE GLOBAL DEMOCRACY PROMOTION ACT OF 2001

##### *Section 131. Short title.*

This section provides that the short title for this subtitle is the Global Democracy Promotion Act of 2001.

##### *Section 132. Findings.*

This section provides the Committee's findings regarding certain issues raised by the "Mexico City policy" recently reinstated by President Bush. The section finds that an open and honest relationship between health care providers and patients is a fundamental principle of medical ethics and practice, free speech is a

fundamental American value, and promotion of democracy is a principal goal of U.S. foreign policy. It also finds that denying U.S. foreign assistance funds to foreign nongovernmental organizations that use funds from sources other than the U.S. government to take actions or engage in medical practices that are legal in their own country and that would be constitutionally protected if conducted in the United States undermines these principles, is an unjustifiable interference with the ability of independent organizations to serve the critical health needs of their fellow citizens and demonstrates a disregard and disrespect for the laws of sovereign nations as well as for the laws of the United States.

*Section 133—Assistance for Foreign Nongovernmental Organizations under Part I of the Foreign Assistance Act of 1961.*

This section requires that notwithstanding any other provision of law, regulation or policy, foreign nongovernmental organizations shall not be determined to be ineligible to receive funds authorized under part I of the Foreign Assistance Act of 1961 solely on the basis of health or medical services, including counseling and referral services, provided by non-United States government funds as long as those services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if they were being provided in the United States. It also requires that foreign nongovernmental organizations shall not be subject to any restrictions or requirements on the use of non-United States government funds for advocacy or lobbying activities as a condition of receiving funds authorized under part I of the Foreign Assistance Act of 1961 other than those requirements that also apply to United States nongovernmental organizations receiving such funds.

This statute supersedes any provision of law, regulation or policy currently in effect.

TITLE II—AUTHORITIES AND ACTIVITIES

*Section 201—Continuation of Reporting Requirements.*

This section extends reporting requirements contained in the Foreign Relations Authorization Act as follows:

*Section 201(a)—Saudi Arabia.* This section requires periodic reports on outstanding claims by United States firms against the Government of Saudi Arabia. This amendment is necessary to help U.S. firms which have completed extensive work for the Saudi Government but have had no success in getting their due compensation. For example, Gibbs and Hill, Inc., of New Jersey has outstanding claims for \$55 million for work on a desalinization plant completed in 1984.

*Section 201(b)—LIBERTAD Act.* This section continues the report under title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act. It requires the Secretary of State to make periodic reports to the Committee describing the ongoing reviews pursuant to title IV of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091) and any determinations and findings under that title of that act. Title IV of the LIBERTAD Act requires the Secretary of State to exclude from the U.S. persons “trafficking” in property confiscated from U.S. nationals in

Cuba. The Committee intends to use these reports to monitor the implementation of this “exclusion” provision of the LIBERTAD Act.

*Section 201(c)—Vietnam.* This section continues a report requiring the Secretary of State to report on the extent to which the Government of Vietnam: (1) is cooperating with the U.S. on the fullest possible accounting of POW/MIA’s; (2) has made progress on the release of political and religious prisoners; (3) is cooperating on requests by the U.S. to obtain full and free access to persons for interviews under the Orderly Departure and Resettlement Opportunities for Vietnamese Refugees programs; (4) has taken action to end corrupt practices in connections with exit visas; and 5) is making efforts to interview and resettle former reeducation camp victims and other persons.

*Section 201(d)—Missile Defense* This section continues a reporting requirement with respect to cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning.

*Section 202—Continuation of Other Reports.*

*202(a)—Semi-Annual Reports.* This section requires semi-annual reports, with a classified annex, from the Secretary of State on the US government’s efforts to boost efforts toward Taiwan’s appropriate membership or participation in international organizations.

*202(b)—Terrorist Activity.* This section requires reporting on terrorists attacks in the territory of Israel or territories administered by Israel or the Palestinian Authority in which U.S. citizens were killed.

*Section 203—Royal Ulster Constabulary Training.*

This section updates and modifies a provision of current law that bans Federal funds from being used to support any training or exchange programs conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Royal Ulster Constabulary until the President certifies that vetting procedures have been established in all appropriate Federal agencies to ensure that the training programs will not include RUC members who are believed to have committed or condoned human rights violations including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or threat of violence against defense attorneys. This section requires a report, within 60 days of enactment, on the scope of previous training programs. The section requires a second report that outlines the extent to which the British government has implemented the 175 recommendations listed in the Patten Commission report on policing reforms in Northern Ireland including those recommendations that emphasize the integration of respect for human rights and emphasize efforts to recruit Catholics for the new police force. (The RUC has had proportionally far fewer Catholics than the population of Northern Ireland.) This report should also provide information on the integration of members of the Garda Síochána (the national police force of the Republic of Ireland) or other experienced police force applicants into the senior ranks of the RUC by both the British and Irish governments, as envisioned by the Patten report. The section requires that the report also include information on the status of the murder investigations of defense attorneys Rosemary Nelson and Patrick Finucane

and the murder of Robert Hamill. In April 1999, the House of Representatives passed a resolution condemning the murder of Rosemary Nelson, who had testified before the International Relations Subcommittee on Human Rights, and calling for independent judicial inquiries into the Finucane and Nelson murders. The report is designed to provide Congress with up-to-date information on these matters.

*Section 204—Report concerning Elimination of Colombia Opium.*

This section requires a report which outlines a comprehensive strategy to address the crisis with respect to heroin in the U.S. due to opium originating from Colombia. The report should also include a discussion of efforts to control precursor chemicals, many of which come primarily from Europe and are not manufactured in Colombia.

*Section 205—Repeal of Provision Regarding Housing for Foreign Agricultural Attache.*

This section repeals section 736 of the FY 2001 Agricultural Appropriations Act (P.L. 106-387), which requires the State Department to receive the approval of the Foreign Agricultural Service (FAS) before the sale of any foreign property occupied by the agricultural attache. It further provides that sales proceeds must be used to acquire appropriate housing for the use of the agricultural attache.

The U.S. Department of Agriculture (“USDA”) obtained enactment of section 736 without consultation with or the concurrence of the Department of State or its authorization and appropriation committees. Section 736 directly conflicts with the unified, efficient management of real property under a Single Real Property Manager and directly impinges on State authorities.

The State Department has identified 18 residences that are occupied by agricultural attaches. Although some may have been historically and consistently assigned to agricultural attaches, others were assigned to the attaches in accordance with the established program of assigning government-owned dedicated housing to the heads of foreign affairs agencies. Like other agencies, USDA agreed to pool such housing as part of the 1992 agreement to adopt the current housing policy. If section 736 were to continue, the State Department would be obliged to limit housing assignments of agricultural attaches to only those units that are owned by the USDA; and to begin, as permitted under statute, to charge USDA for maintenance. Decentralized real property management could create separate and unequal housing policies, which would conflict with the current rights of all Foreign Affairs agencies to government-owned housing.

*Section 206—Human Rights Monitoring.*

Section 206 provides that funds authorized to be available only for the Bureau of Democracy, Human Rights and Labor (DRL) pursuant to section 101(B)(ii) are authorized to be available to fund positions at United States posts abroad that are primarily responsible for following human rights developments in foreign countries and that are assigned at the recommendation of the DRL bureau in conjunction with the relevant regional bureau. The purpose of this

is to encourage greater attention at overseas posts to the monitoring of human rights by making funds available for such positions. As indicated previously, the Committee believes that the issues addressed by this Bureau need to be at the core of U.S. foreign policy. While the Committee wants to provide some flexibility to the Department in how to administer its increase, the Committee believes that one way to strengthen these functions is to provide the DRL bureau with the ability to assign some officers to U.S. posts abroad. It is clear that DRL will be strengthened both in the officers it can attract to serve in the Bureau and in the way it is viewed by the rest of the Department if it has the primary responsibility for such assignments. While the Committee recognizes that it is traditionally the role of the regional bureaus to make assignments of officers to posts, the Committee intends that in the future DRL be able to make the assignments, although it would have to consult with the regional bureau. The Committee does not believe that this approach would be satisfied by merely designating certain officers assigned abroad as primarily human rights officers, without clearly providing DRL the key role in making decisions regarding assignments. Moreover, the Committee is not trying to create a "human rights cone." The Committee recognizes that in certain countries, designating a particular officer as a "human rights officer" would inhibit rather than increase an officer's ability to follow human rights developments in such country. Rather, the Committee expects that certain officers in the political section of a particular mission would be responsible for human rights issues, along with other issues. The key issue is that the assignment would be primarily the responsibility of the DRL bureau.

*Section 207—Correction of Fishermen's Protective Act.*

This section makes a technical correction to section 7 of the Fishermen's Protective Act of 1967 (FPA), as amended, which was enacted to deter foreign governments from seizing U.S. commercial fishing vessels based on claims to a fisheries jurisdiction not recognized by the United States. One of the State Department's primary responsibilities under the FPA is to administer funds from which reimbursement could be sought by U.S. vessel owners. The FPA amendments last year erroneously transferred certain responsibilities from the Secretary of the Interior to the Secretary of Commerce, rather than to the Secretary of State. The Department of Commerce has expressed concurrence in this change.

*Section 208—International Litigation Fund.*

This section allows the State Department to be reimbursed for costs associated with representing American citizens or companies in international claims. The section would allow the Department to deduct and retain 1.5% of payments of at least \$100,000 up to \$5 million, and 1% of payments above \$5 million received by the Department from foreign governments or foreign entities as a result of the Department's pursuit of claims on behalf of U.S. citizens or others. The funds so retained would be placed into the International Litigation Fund, which was established by Congress in 1994 (at 22 U.S.C. 2710) to provide a dependable and flexible source of funds for expenses relating to preparing or prosecuting a proceeding before an international tribunal, or a claim by or

against a foreign government or other foreign entity. The Fund has no dedicated source of money; rather, it depends for funding on voluntary contributions, transfers from other agencies, or reprogrammings.

Similar deductions are taken from Iran-U.S. Claims Tribunal awards, and 5 percent is deducted from awards of the Foreign Claims Settlement Commission.

*Section 209—Emergency Evacuation Services.*

This provision clarifies that the State Department has the authority to seek reimbursement from private American citizens, and third country nationals for the cost of an emergency evacuation when their lives are threatened by war, civil unrest or a natural disaster, affirming the Department's longstanding practice in this regard.

*Section 210—Implementation of the Intercountry Adoption Act.*

This section requires the State Department's Bureau of Consular Affairs to consult with the appropriate Congressional Committees on the implementation of the Intercountry Adoption Act (PL 106-279).

This act was the subject of significant controversy in the 106th Congress. A wide range of adoption agencies from around the country that are involved in international adoptions were in frequent contact with the Committee and the Executive branch regarding issues that arose in the context of the Intercountry Adoption Act. In response, the Committee ensured that, unlike many regulations in the foreign policy area, the Department would have to go through normal comment periods required by the Administrative Procedures Act as the Department moved forward in implementation of the act. At the same time, the Committee has repeatedly asked for briefings regarding the implementation of the act and requested to be kept informed of important developments. Regrettably, the Department has not honored these requests in an appropriate way. Briefings have been sketchy, with the Department reluctant to provide fulsome responses to the Committee's inquiries. Specific requests to be kept informed of developments have been ignored, with the Committee learning of major developments in implementation only after the fact. The Committee regards this as unfortunate because the Committee believes that exchanges that have taken place have ended up improving the Department's approach to the implementation of the act. The Committee intends that this provision will usher in a better dialogue between the Department and the Committee, and that the Department will provide information on an ongoing basis and on latest developments in implementation, including notice before major developments occur.

*Section 211—Report Concerning the Effect of Plan Colombia on Ecuador.*

This section requires a report which outlines a comprehensive strategy to address the spillover effect of Plan Colombia on Ecuador.



*Section 212—Report Concerning Efforts to Promote Israel's Diplomatic Relations With Other Countries.*

This section requires an annual report by the Secretary of State regarding actions taken by representatives of the U.S. to encourage other countries to establish full diplomatic relations with Israel.

*Section 213—Reports on Activities in Republic of Colombia.*

This section requires two separate reports by the Secretary of State on Plan Colombia. The first report is required every 6 months and will include a summary of U.S. funded activities in the Republic of Colombia. The second report is an annual report on the activities of the U.S. businesses that have entered into agreements with the Department of State to carry out counternarcotics programs in the Republic of Colombia.

SUBTITLE B—CONSULAR AUTHORITIES

*Section 231—Machine Readable Visas.*

This section extends the Department's authority to collect and retain the machine readable visa (MRV) fees for fiscal years 2002 and 2003. It provides \$414,000,000 for fiscal year 2002 and \$422,000,000 for fiscal year 2003 to fund consular services activities and border security operations.

*Section 232—Establishment of a Consular Branch Office in Lhasa, Tibet.*

Requires the Secretary of State to make best efforts to establish a branch consular office in Tibet.

*Section 233—Establishment of a Diplomatic Post in Equatorial Guinea.*

Requires the Secretary of State to establish a post in Equatorial Guinea for the purposes of providing assistance to the American interests present in the country.

*Section 234—Processing of Visa Applications.*

The provision states that it shall be the policy of the State Department: (a) to process visa applications of immediate relatives and fiances of U.S. citizens within 30 days of receiving all necessary documents; and (b) to process applications sponsored by someone other than an immediate relative within 60 days.

*Section 235—U.S. Policy with respect to Jerusalem as the Capital of Israel.*

This provision includes a statement of policy that Congress is committed to relocating the U.S. embassy in Israel to Jerusalem. In addition it states that: 1) none of the funds authorized may be expended for the operation of a U.S. consulate in Jerusalem unless such consulate is under the supervision of the U.S. Ambassador to Israel; 2) none of the funds authorized may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel; and 3) for purposes of the registration of birth, certificates of nationality, or issuance of a passport of

a U.S. citizen born in the city of Jerusalem, the Secretary of State shall upon request record the place of birth as Israel.

*Section 236—Denial of Visas to Supporters of Colombian Illegal Armed Groups.*

This section would require the Secretary of State to deny a U.S. visa to any alien who the Secretary determines, based on credible evidence, has willfully supported any of the three major illegal armed groups in Colombia's conflict (the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC)). The Committee does not intend that "willful support" be interpreted to include payments or supplies given as a result of coercion, such as ransom for the release of kidnap victims, or monies or services extorted under threat of violence. All three illegal groups engage in these activities, and the Committee does not intend for this section to punish their victims.

SUBTITLE C—MIGRATION AND REFUGEES

*Section 251—U.S. Policy Regarding the Involuntary Return of Refugees.*

This provision carries over a provision of the FY 98–99 Foreign Relations Authorization Act prohibiting the use of funds for the involuntary return of any person to a country in which that person has a well-founded fear of persecution, and requiring notification to Congress when such funds are used for involuntary repatriation of persons deemed to be non-refugees.

*Section 252—Report on Overseas Refugee Processing.*

This section requires a report on overseas processing of refugees for admission to the United States. In particular, the report should assess the needs of refugees who do not currently have access to U.S. resettlement programs, despite the dramatic decline in U.S. refugee admissions over the last decade.

*Refugees in Urgent Need of Resettlement.* Although United States Embassy officials have legal authority to identify "priority one" refugees—individuals who are particularly vulnerable or otherwise in urgent need of resettlement—in practice this authority is exercised far more rarely than it might be. Instead, in a number of countries around the world the Department of State currently insists on a referral from the United Nations High Commissioner for Refugees (UNHCR) before making its own judgment on whether an asylum seeker should be interviewed for possible resettlement in the United States as a priority one refugee. Unfortunately, in many locations UNHCR lacks sufficient staff to perform this function. The practical result is that many particularly vulnerable refugees are left without access to the United States program. Subsection (b)(1) of the bill seeks information on the extent of this problem and on possible solutions, including the development of formal partnerships with field-based nongovernmental organizations (NGOs) that permit the NGOs to assist in refugee identification and referral.

*Refugees of Special Concern to the United States.* Refugee advocates have argued that the dramatic decline in U.S. refugee admissions in recent years have been partly due to the Department's re-

luctance to make generous use of the priority two resettlement category (groups of refugees who are of special concern to the United States). Among groups who are not currently considered of special concern, but who are similarly situated to other groups that are so designated, are Afghan women-at-risk and their dependents in Pakistan; Afghan and Algerian victims of non-state persecutors in Germany and France who are in danger of deportation; Sudanese “lost boy” refugee minors in Ethiopia; Iraqis who have suffered torture or are associated with the United States; and non-Albanians from Kosovo, including Roma, Muslim Slavs, Gorani, Ashkaeli and Turks, as well as people in mixed marriages who cannot integrate with major, established nationality groups in the region. Subsection (b)(2) of this section requests information on this issue and on how more generous use might be made of the priority two category.

*Refugees in Need of Family Reunification.* In recent years the Department of State has drastically reduced its use of the family reunification processing priorities to such a level that in FY 2001 only six countries are designated for priority three processing (refugees who are the spouses, parents, or unmarried children of U.S. citizens or lawful residents) and no countries are designated for priorities four and five (refugees who are close relatives of U.S. citizens or lawful residents, other than spouses, parents, and children). This has occurred at the same time that refugee admissions have declined dramatically, and that even reduced annual ceilings have gone unmet. For example, there were 12,500 unused refugee admission slots in FY 2000. Subsection (b)(3) seeks information on this phenomenon and on alternatives for making family reunification processing more broadly available. Such alternatives should include broader use not only of priority three but also of priorities four and five, particularly in circumstances where refugees have spent extensive periods of time in refugee camps with no immediate prospect of safe and voluntary repatriation.

*Urban Refugees.* At present, UNHCR reports that more than 25% of the world’s refugees can be found in urban areas. Many of these refugees are denied legal employment, education, the most basic social services or protection from local persecution. In many countries that are signatories to the Refugee Convention, as well as in those that are not, local integration is seldom a viable option. Subsection (b)(4) seeks more information on this problem and on alternatives for expanding resettlement opportunities for urban refugees and others outside refugee camps, particularly those who are in urgent need of resettlement, who are members of groups of refugees of special concern to the United States, or who have family ties to the United States.

*Possible creation of a new priority six category for certain “long-stayers” in refugee camps.* While striving to find durable solutions for refugees, including safe and voluntary repatriation and local integration in countries of first asylum, institutions charged with refugee protection have come to recognize that these solutions are unavailable to many refugees. They may therefore spend years or even decades in refugee camps, under conditions that are always uncertain and often quite harsh. At a time when refugee admissions have declined, the United States should assess the possibility of admitting those “long stayers” whose circumstances clearly sug-

gest no durable solution other than resettlement. Subsection (b)(5) seeks the Department's assessment of this possibility.

*Private voluntary agencies.* Section (b)(6) seeks information on the extent to which the Department uses private voluntary agencies to assist in the identification of refugees for possible admission to the United States. For decades, private voluntary agencies contracted to the State Department have played a central role in U.S. refugee processing overseas—promoting refugee protection, preparing cases for INS adjudicating officers, offering cultural orientation programs, and working with domestic resettlement agencies to direct refugees to the areas of the country best suited to meet their health, employment and other needs. This process has been essential in galvanizing public support for the refugee program. While private voluntary agencies are still used in some instances, recent practice raises concerns that this mode of processing refugees abroad is no longer the preferred approach. Instead, the Department has increasingly turned to international organizations to perform the functions traditionally performed by the voluntary agencies. This subsection requests the Department's assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in their use, and alternatives for the expanded use of such agencies.

*Reception and Placement Grants.* Subsection (b)(7) seeks information on the extent to which the reception and placement grant to agencies assisting in resettlement of refugees (currently \$740 per refugee) has kept up with the cost of providing such services.

*Estimates of Cost and Impact on Refugee Ceilings.* Subsection (b)(8) makes clear that the report should include an assessment of the cost of each change in current practice or procedure discussed in the report, as well as an estimate of any likely increase in the annual refugee admission ceiling.

### TITLE III—ORGANIZATION OF THE DEPARTMENT OF STATE

#### SUBTITLE A—ORGANIZATIONAL MATTERS

##### *Section 301—Comprehensive Workforce Plan.*

Requires the State Department to submit to Congress a comprehensive workforce plan within 6 months of the date of enactment. It also requires that the Department develop within 1 year of the date of enactment a domestic staffing model to assist in determining workforce needs in future years. The Committee has been disappointed with the lack of progress on workforce planning and in particular the Department's inability to match staffing requirements to meet the policy needs of overseas posts and Washington. This requires dramatically improved coordination between the post mission plans, the regional bureaus policy priorities, and the Bureau of Personnel.

##### *Section 302—Rightsizing Overseas Posts.*

Requires the Department to establish both an internal and an interagency task force to review issues of overseas staffing presence. This follows through on numerous reports including the Overseas Presence Advisory Panel report that details the need to "right size" the overseas posts—which means staffing the post to the mis-

sion. Reports on the progress of each of these task forces are required.

*Section 303—Qualifications of Certain Officers of the Department of State.*

Following previous statutory models for requiring certain qualifications for assistant secretary level positions at the State Department, this section requires any assistant secretary having primary responsibility for international narcotics and law enforcement to have substantial professional qualifications in the fields of management and Federal law enforcement.

*Section 304—U.S. Special Coordinator for Tibetan Issues.*

This section requires the establishment of a Special Coordinator for Tibetan Issues, and enumerates the duties and responsibilities of such position.

*Section 305—U.S. Special Envoy for Sudan Issues.*

This section requires the State Department to appoint a special envoy for Sudan Issues. The provision requires the duties of such envoy to include working for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom in Sudan.

SUBTITLE B—PERSONNEL MATTERS

*Section 331—Report Concerning Retired Foreign Service Officers.*

This section requires an annual report of all retired civil service and foreign service officers who are also registered under the Foreign Agents Registration Act as an agent of a government of a foreign country who may have access to State Department facilities.

*Section 332—Tibetan Language Training.*

This section requires the Secretary of State to make Tibetan language training available to foreign service officers assigned to the consulate with responsibility for Tibet.

*Section 333—Travel for Dependents on Family Visitation.*

This section provides foreign service families who are separated because of an assignment to an unaccompanied post greater flexibility in arranging authorized family visits. Currently only the foreign service officer may travel to visit family within a certain dollar limitation. This provision would allow within that same cap for other family members to be authorized to travel in order to meet on authorized family visits.

Specifically, this provision amends section 901 of the Foreign Service Act of 1980 to extend eligibility for Family Visitation Travel (FVT) to family members of Foreign Service members. Currently, section 901 authorizes FVT only for members of the Foreign Service. This amendment would allow members traveling on FVT to visit their children at locations other than their home leave addresses.

*Section 334—Thomas Jefferson Star.*

This section changes the name of the “Foreign Service Star” to the “Thomas Jefferson Star” in order to properly reflect the inclusive nature of the award, which can be presented to State Department Foreign and Civil Service employees who are injured or gave their lives while assigned abroad.

The “Foreign Service Star Award” was established by section 321 of the Foreign Relations Authorization Act of 2000 and 2001, adding to section 36(A) “Award of the Foreign Service Star” to the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a). When that legislation was presented to the President of the Senate and the Speaker of the House on March 22, 1999, the Foreign Service Star Award was proposed to “remedy [a] deficiency by establishing a Foreign Service Star for Foreign Service, Civil Service, or other civilian employees assigned permanently or temporarily to an official mission overseas or traveling abroad on official business who . . . are killed or wounded in the service of diplomacy.”

The legislation makes clear that this award covers members of the Foreign Service or Civil Service, persons hired pursuant to personal services contracts or other agreements, Foreign Service Nationals, or other civilian employees. The proposed change from the “Foreign Service Star Award” to the “Thomas Jefferson Star Award” does not affect the nature of the award, but instead corrects the misperception that the award was intended only for members of the Foreign Service.

*Section 335—Health Education and Disease Prevention Programs.*

This section amends section 904(b) of the Foreign Service Act of 1980, as amended (22 U.S.C. 4084) so that the Department of State may better allow its medical professionals to provide counseling and educational materials to locally engaged staff for diseases to which they are exposed but that may not be attributable to the workplace. The Department of State Office of Medical Services (MED) currently provides on-the-job illness and injury services for locally engaged staff. The added legislation would clarify that when it is in the interest of the U.S. Government, U.S. Government medical professionals can provide health information and counseling.

*Section 336—Training Authority.*

This section repeals the scheduled termination of certain Departmental authorities with respect to training at the Foreign Service Institute. Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as recently amended, authorizes the Secretary to provide, on a reimbursable or advance-of-funds basis, appropriate training and related services at the institute to employees of United States companies that do business abroad, and to family members of such employees, when such training is in the U.S. national interest, and further authorizes the Secretary to provide, on a reimbursable basis, training programs to Members of Congress or the Judiciary and employees of the legislative and judicial branches. This provision makes the pilot program permanent.

*Section 337—Foreign National Retirement Plans.*

This section amends section 408 of the Foreign Service Act (22 U.S.C. 3968) to explicitly authorize the Department of the Treasury

to hold foreign national retirement funds and accumulated interest. Section 408 provides that the employees hired by the Department and other agencies overseas are compensated based on prevailing wage rates and compensation practices to the extent consistent with public interest. In particular, section 408 explicitly provides the authority for such agencies and their locally engaged staff to make payments to a trust or other fund in a financial institution in order to finance future benefits for such staff.

The Department believes that having the Department of Treasury act as a financial institution to hold the funds contributed by the agencies and their locally engaged staff (i.e., the funds contributed based on prevailing practice or the funds voluntarily contributed by the locally engaged staff) would provide a safe and secure means of ensuring the overseas staff's retirement needs are adequately met.

The State Department has been working on this proposal with the Department of Treasury, and, in order to hold these funds, the Department of the Treasury requires specific statutory authority clarifying that Treasury can hold the funds, that the Secretary of State may administer these funds on behalf of the persons compensated under section 408 (including persons hired pursuant to personal service contracts or agreements and persons hired by other agencies) and that the funds may be invested in public debt obligations. The amendment provides the explicit authority to retain dividends, as well as interest, in a fund to be established for voluntary contributions by locally-engaged staff world-wide. It also permits the Department the possibility of offering locally engaged staff a voluntary savings plan with a greater range of investment opportunities to mirror, to the extent practicable, the Thrift Savings Plan.

*Section 338—Presidential Rank Awards.*

This section amends section 405(b)(3) of the Foreign Service Act of 1980, as amended (22 U.S.C. 3965 (b)(3)). Recently, the civil service Senior Executive Service award program was changed to permit the top cash awards to be determined by a percentage of base pay. The top Senior Foreign Service awards currently are capped at \$10,000 and \$20,000 levels. This section would change the Foreign Service Presidential rank awards caps to match the similar Senior Executive Service percentages of 20% and 35%.

*Section 339—Emergency Medical Advance Payments.*

This section amends section 5927 of title 5, U.S.C. to extend current authority to give salary advances for medical emergencies to persons hired locally under personal service contracts or agreements and foreign national employees of non-foreign affairs agencies.

In the Foreign Relations Authorization Act, FY 2000 and 2001, the Department and other agencies received the authority to advance up to 3 months' pay to an employee assigned or located outside of the United States on Government authorization (i.e., on temporary duty), when the employee or family member must undergo certain medical treatments abroad. The authorization language, however, unintentionally excluded certain categories of employees, including persons hired pursuant to personal service

agreements or contracts as well as foreign nationals employed by non-foreign affairs agencies appointed under authority of title 5. This section extends to foreign national employees and non-family member United States citizen employees hired abroad when such individuals need medical care while they are located outside their country of employment on U.S. Government authorization.

*Section 340—Unaccompanied Air Baggage.*

This section amends current law which authorizes the educational travel benefit in regard to unaccompanied air baggage. It would allow dependent children of Foreign Service members who attend school in the United States the option of leaving their belongings in short-term commercial storage in the United States, if there is no additional cost, instead of shipping their baggage to post.

*Section 341—Special Agent Authorities.*

Expands protective function of the Diplomatic Security Service to cover not only the Secretary of State and a person who is designated to be Secretary of State by the President, but also the designee of a President-elect who has not yet taken office.

*Section 342—Report Concerning Minority Employment.*

This section requires a report on the status of minority recruitment and promotion efforts in the Department of State for both the Civil and Foreign Service. It is similar to a provision adopted in the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, and adds information regarding recruitment and promotion of the Civil Service to the preexisting provision. The Committee also believes that data must be made available on the promotion of qualified incumbent minority professionals.

*Section 343—Use of Funds Authorized for Minority Recruitment.*

This section addresses questions regarding minority recruitment but in the context of how funds specifically designated by this act for such recruitment should be used.

*343(a)—Conducting Recruitment Activities.* This section provides that amounts authorized for minority recruitment under section 101(1)(B)(iii) shall be used only for activities directly related to minority recruitment. Salaries of employees involved in recruitment efforts are not to be counted toward that amount.

*343(b)—Recruitment Activities at Academic Institutions.* This section provides that the State Department must expand its recruitment efforts to 25 percent of Historically Black Colleges and Universities and 25 percent of Hispanic-serving institutions, as defined by law.

*343(c)—Evaluation of Recruitment Efforts.* This section requires the Secretary to establish a database relating to efforts to recruit members of minority groups into the Foreign and Civil Service and to report on the evaluation of efforts to recruit such individuals.

The Committee continues to be very concerned with regard to progress at the Department in recruiting and promoting members of minority groups to serve in the Foreign and Civil Service. Diversity in the work place can only help enhance the diplomatic power of the United States by bringing a broader range of viewpoints and



cultural backgrounds into the Department. The Department has not made enough progress in this area, and the Committee wishes to underscore that the Department has one of the worst records among Federal agencies in terms of Hispanic recruitment and promotion. This provision is intended to enhance the Department's ability to recruit members of minority groups by dedicating funds allocated for minority recruitment to activities directly related to such recruitment. Moreover, the Committee believes that the Department should enhance its recruiting efforts at Historically Black Colleges and Universities and Hispanic-serving institutions. While the Committee understands that the Department is recruiting at some of these institutions, the Committee believes that these efforts should be expanded, with the goal of reaching out to a much greater percentage of such institutions.

In addition, the Committee is concerned that the Department does not keep track of its recruitment efforts to determine their effectiveness. This failure sends a disturbing signal that the Department may not be taking its current efforts seriously. The Committee therefore believes that the Department should keep records, to the extent practicable, regarding the members of minority groups it has recruited or tried to persuade to join the Department's work force during its recruiting activities, and endeavor to determine whether such persons applied to or became employed by the Department. Improved results can be established only through reasonable and systematic record keeping that clearly and definitively measures the performance and outcomes of recruitment efforts. While the Department is to be lauded for programs in place that are minority-focused, the results of these programs have yet to be measured. The Department must be able to report to Congress concrete outcomes of its recruitment efforts. For example, the Department must find a way to show how many candidates were recruited who passed the written or oral exams, and, of those, how many ultimately were hired by the Department. The Department should be precise in establishing which activities have obtained results in terms of recruitment and promotion of minorities. Mere participation of minority individuals in a program does not constitute an adequate measure of that program's effectiveness.

The Committee understands, however, that while recruitment must focus on such institutions as Historically Black Colleges and Universities and Hispanic-serving institutions and other similarly-designated institutions, the Department must also recruit members of minority groups at other institutions of higher learning throughout the United States.

#### TITLE IV—U.S. EDUCATIONAL AND CULTURAL PROGRAMS

##### *Section 401—Extension of Requirement for Scholarships for Tibetans and Burmese.*

This section extends the authorization for the exchange and scholarship programs for Tibetan and Burmese exiles (contained in Public Law 104-319, the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996) through fiscal years 2002 and 2003.

*Section 402—Nonprofit Entities for Cultural Programs.*

This provision provides a mechanism for the private sector to provide funds for international education and arts programs of the State Department. The purpose of this provision is to encourage private donations for such programs to make up for the decline of almost 70% in appropriated funds for arts programs since 1990. These activities have the strong support of ambassadors and the American international arts community. Cultural diplomacy, especially the presentation abroad of the finest of America's creative, performing and visual arts can advance U.S. interests.

The Department already has authority under section 105(f) of the Mutual Educational and Cultural Exchange Act of 1961, as amended, to accept private donations of funds, property, and services. This section would amend section 105(f), 22 U.S.C. 2255(f), to expressly authorize the establishment of private, nonprofit entities which could accept such donations and better encourage participation and support by the U.S. private sector for cultural programs abroad. The Secretary of State would be authorized to make such arrangements as would be necessary to carry out the purposes of these entities, including the solicitation and receipt of funds and designation of members of boards.

*Section 403—Fulbright-Hays Authorities.*

This provision amends subsection 112(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended ("Fulbright-Hays Act"), to affirm the Bureau of Educational and Cultural Affairs longstanding practice of administering programs that promote the purposes of Fulbright-Hays but operate under other statutory authorities.

Section 112(d) of the Fulbright-Hays Act provides that the Bureau shall administer no programs except those operating under the authority of this act and consistent with its purposes. However, the Bureau administers programs authorized and appropriated pursuant to statutes other than Fulbright-Hays, such as the Freedom Support Act, the Foreign Assistance Act of 1961 (Economic Support Funds), and the SEED Act. While certain of these statutes reference the Fulbright-Hays Act, others do not. This provision makes clear that such programs are lawful so long as they promote the purposes of the Fulbright-Hays Act.

*Section 404—Ethical Issues in International Health Research.*

This section provides that the Secretary shall make available funds for public diplomacy and exchanges for activities to provide opportunities to researchers in developing countries to obtain scholarships and otherwise participate in activities related to ethical issues in human subject research. In December 2000 a series of articles in the press described violations of ethical standards of clinical research in overseas human subjects research. In virtually all world regions, researchers documented instances where drugs too risky for trials in the U.S. were tested on uninformed human subjects. In other examples, patients were not properly informed and had not given consent to participate in the studies.

While the boom in pharmaceutical research has resulted in enormous strides bringing new prevention and treatment medicines to millions of individuals, the ethical morass surrounding overseas re-

search is far too troubling to ignore. In January 2001, the Department of Health and Human Services established a new office to oversee U.S.-funded medical research on foreign patients and address ethical problems raised by conducting research in developing countries. Other governmental, academic, and public organizations are developing ways to manage the burgeoning industry of research-related companies that do nothing but profiteer from patient recruitment. Recently, the National Advisory Committee on Bioethics issued a draft report on ethical and policy issues involving human participants, including internationally, and will be seeking public comment shortly.

Effective mechanisms do not exist to oversee the vast number of studies emerging as a result of the globalization of drug testing and will require many years to develop. In the meantime, it is imperative that researchers in poor countries are trained in international ethical standards governing clinical research. This provision will allow these researchers opportunities to participate in forums, conferences, and seminars where ethical issues in international health research are shared with participants from all world regions.

#### TITLE V—U. S. INTERNATIONAL BROADCASTING ACTIVITIES

##### *Section 501—Eliminating Staff Positions for the Advisory Board for Cuba Broadcasting.*

This section eliminates the position of Staff Director for the Advisory Board for Cuba Broadcasting and allows for any savings from the elimination of this position to be available for broadcasting to Cuba.

##### *Section 502—Reports on Broadcasting Personnel.*

Requires not later than 3 months after enactment, and every 3 months thereafter for fiscal years 2002 and 2003 the Broadcasting Board of Governors shall submit a report on its efforts to diversify the workforce at the Broadcasting Board of Governors.

##### *Section 503—Personal Services Contracting Pilot Program.*

This section provides the Broadcasting Board of Governors the authority to implement a 4-year pilot program to use personal services contracts in the U.S. to employ individuals in the International Broadcasting Bureau and the Voice of America. This authority will provide greater flexibility to the Board in its employment practices. Recent international events have required the broadcast services to quickly increase the hours of broadcasts. Since these demands are episodic, it would be useful to be able to respond with personnel who are employed for a fixed period of time and on an “as needed” basis. This limited authority to hire up to 50 personal services contractors as broadcasters, producers or writers would enhance the agency’s responsiveness to crises and support existing broadcasts while there is a limited authority to grant extensions to existing contracts past the termination of the authority on December 31, 2005, it should be used sparingly for essential employees and should not grant extensions past July 31, 2006.

*Section 504—Pay Parity For Senior Executives of Radio Free Europe/Radio Liberty.*

This section addresses an issue of pay parity of Radio Free Europe/Radio Liberty managers when compared to their civil service counterparts. Section 308(h)(1)(A) of the International Broadcasting Act provides that RFE/RL grant funds may not be used “to pay any salary or compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.” This provision has been interpreted as placing a cap on the salaries of senior managers at the rate of pay for Executive Level IV, exclusive of locality pay. RFE/RL senior managers are not Federal employees and are not covered under the Federal Employee Pay Comparability Act of 1990 which provides for locality adjustments in certain high-cost areas. This amendment makes up to two senior managers eligible to receive a salary benefit equivalent to the comparable Senior Executive Service salary with locality pay.

*Section 505—Repeal of Ban on U.S. Transmitter in Kuwait.*

This section repeals section 226 of the Foreign Relations Authorization Act Fiscal Years 1994 and 1995 (P.L. 103–236) that prohibits the expenditure of funds for the design, development, or construction of a U.S. transmitter in Kuwait. The Kuwait Transmitting Station is an ideal location from which to broadcast to China, Southeast Asia, Russia, Central and South Asia, the Middle East, Eastern Europe, and Africa. The current station provides VOA with medium wave transmission to Iraq, Iran and the Gulf Region of the Middle East. This repeal would allow the building of a short-wave transmission facility at this site.

TITLE VI—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

*Section 601—United Nations Arrears Payments and Reform.*

The provision makes changes to the United Nations Reform Act of 1999 authorizing the payment of U.S. arrearages to the United Nations. The principal effect of the amendment is to allow a second arrearage payment of \$582 million to be made to the United Nations immediately. The provision also makes other changes to existing law that are necessary to release the arrearage payments authorized by the United Nations Reform Act. The rationale for making these changes is that Ambassador Holbrooke succeeded last year in negotiating a reduction in the percentage of the regular United Nations budget paid by the United States (from 25% to 22%), and as part of this bargain the United States is obligated to release the arrearage payments authorized by the United Nations Reform Act. Specific changes to the United Nations Reform Act made by this provision include:

- Partial lifting of the statutory cap on the percentage of the United Nations peacekeeping budget paid by the United States (from 25% to 28.15% for 2 years).
- Modification of the mechanism for releasing the third arrearage payment of \$244 million, so that funds can be released to individual United Nations-affiliated organizations as they make the reforms mandated by the United Nations Reform

Act (rather than holding up all funds until all such organizations make the reforms).

This subsection amends section 6 of the United Nations Participation Act of 1945 to eliminate any suggestion in that provision of law that Congress encourages the President to negotiate an agreement with the United Nations Security Council in accordance with Article 43 of the Charter of the United Nations. Such an agreement would provide for making specific elements of the United States Armed Forces available to the Security Council on its call for peace enforcement operations. The revised section 6 retains the requirement contained in the existing section 6 that any such agreement negotiated by the President with the Security Council must be approved by Congress by appropriate act or joint resolution before it may take effect.

*Section 602—Travel by Advisory Committee Members to Great Lakes Fishery Commission Annual Meeting.*

This section makes a change to the Great Lakes Fishery Act of 1956 to increase the number of government officials permitted to travel to the annual meeting from 5 to 10.

This section is needed to reflect a change in the meeting structure for the Great Lakes Fisheries Commission (GLFC), which promotes environmental protection and economic development among the Great Lakes member states and Canada. When section 4 of the Great Lakes Fisheries Act of 1956 was originally enacted, the GLFC held two annual meetings per year with five members of the Great Lakes Fisheries Advisory Committee attending each meeting. The GLFC now holds only one annual meeting. This provision will permit the State Department to fund the travel of up to 10 members of the advisory committee to the one annual meeting.

*Section 603—U.S. Policy on Composition of U.N. Human Rights Commission.*

This section addresses a vital concern regarding the U.N. Commission on Human Rights. The Commission has important debates on critical human rights issues, and has been a useful forum for both governments and nongovernmental organizations to express their views regarding human rights concerns. However, if this forum is to be taken seriously, it cannot be a forum for human rights violators to manipulate the debate and voting process in their favor. At a minimum any country that serves on the Commission should be open to any visit from a U.N. official or rapporteur or from representatives of nongovernmental human rights organizations. In future selections for the Commission, the Committee believes that the United States should work to ensure that this principle is a key consideration for all countries.

*Section 604—U.S. Membership in the International Organization for Migration.*

This provision gives United States assent to several recent amendments to the charter of the International Organization for Migration (IOM). According to the IOM charter, such amendments cannot go into effect without the assent of a two-thirds majority of member states. One of the amendments to which this provision gives assent will permit minor amendments to be made by the IOM

governing body, but will continue to require the assent of member states to fundamental amendments.

*Section 605—Report Relating to Commission on Security and Cooperation in Europe.*

This section rewrites and updates a current reporting requirement of the Department of State to the Commission on Security and Cooperation in Europe.

*Section 606—Reports to Congress on United Nations Activities.*

This section makes technical changes to several existing reporting requirements relating to the United Nations. The section deletes a requirement that the Secretary of State transmit United Nations Security Council resolutions to Congress within 3 days of their adoption, in recognition of the fact that these resolutions are now immediately available to the public on the internet. The section also consolidates two separate reporting requirements on United States assistance to international organizations into one annual reporting requirement. Finally, the section streamlines an existing reporting requirement regarding United States assistance to United Nations peacekeeping operations.

TITLE VII—MISCELLANEOUS PROVISIONS

*Section 701—Amendments to the Iran Nonproliferation Act of 2000.*

This section makes two technical amendments to the Iran Nonproliferation Act of 2000. The first amendment revises section 2 of such act to require that reports submitted to Congress pursuant to section 2(a) of the act contain, in addition to the other matters specified in section 2, a brief description of certain relevant facts and circumstances surrounding each transfer that results in a person being identified in a report pursuant to section 2(a).

The Committee anticipates that this amendment will increase the usefulness of the reports submitted to Congress pursuant to the act by making them more comprehensible to readers in both the Executive branch and in Congress.

The second amendment eliminates a technical error in section 5(a)(2) of the act. This error has resulted in certain persons being exempted from application of the act because, even though they transferred conventional weapons to Iran that made a material contribution to Iran's conventional weapons capability, the transfer did not also make a material contribution to Iran's ability to produce or deliver weapons of mass destruction. The amendment ensures that persons making such conventional weapons transfers to Iran cannot be exempted from application of the measures in the act pursuant to section 5 of the act unless one of the other grounds for exemption set forth in section 5 is satisfied.

*Section 702—Amendments to the North Korea Threat Reduction Act of 1999.*

This section makes a technical change at two places in the North Korea Threat Reduction Act of 1999. The effect of the amendments is to clarify the intent of Congress that no nuclear goods or technology controlled on the Export Trigger List of the Nuclear Suppliers Group may be transferred to North Korea from the United

States unless a determination and report to Congress pursuant to such act has been submitted, and all other applicable requirements of United States law have been satisfied. The Committee understands that the transfer from the United States of goods and technology on the Export Trigger List is already subject to the requirements of the Atomic Energy Act relating to the negotiation and implementation of an agreement for cooperation with the government of a country to which such goods or technology are to be transferred.

*Section 703—Amendments to the International Religious Freedom Act of 1998.*

This provision includes several technical and substantive amendments to sections of the International Religious Freedom Act of 1998 (IRFA) dealing with the United States Commission on Religious Freedom. The provision reflects the Committee's deep appreciation of the work of the Commission and the need for such work to continue in the future.

*703(a)—Repeal of Termination of Commission.* This section repeals section 209 of the IRFA, which provides for a "sunset" of the Commission.

*703(b)—Authorization of Appropriations.* This section authorizes an appropriation of \$3,000,000 for the Commission in each of fiscal years 2002 and 2003.

*703(c)—Election of Chair of Commission.* This section provides that the Commission shall elect its chair at the first meeting after May 30 of each calendar year, rather than at the first meeting of each year, in order to correspond with the issuance of the Commission's annual report in June of each year.

*703(d)—Procurement of Nongovernmental Services.* This section amends an unduly burdensome restriction on Commission procurement procedures to apply such restriction only to procurements in excess of \$75,000. The current provision, which restricts all procurement to government sources, effectively prohibits the Commission from procuring some goods and services that are essential to its work. For instance, under the current provision the Commission could not pay a nongovernment expert on Buddhism to prepare for the Commission an analysis of the various schools of Buddhism in Southeast Asia and why one is favored over another in Burma). There is value in using government sources when possible, but it is not practical in all cases. The \$75,000 cap will provide the necessary flexibility while retaining the benefits of government sources for major .

*703(e)—Donation of Services.* This section will allow the Commission to accept donations of services, such as analysis by a foreign policy or religion experts, which could be extremely helpful to its work.

*703(f)—Establishment of Staggered Terms.* This section provides for staggered terms for Commissioners, so as to guarantee a measure of continuity and the preservation of institutional memory on the Commission.

*Section 704—Continuation of U.S. Advisory Commission on Public Diplomacy.*

This section authorizes the U.S. Advisory Commission on Public Diplomacy for 4 years, through fiscal year 2005. Sec. 404 of PL 106–113 terminated the Commission at the end of fiscal year 2001. The Committee appreciates the work of the Commission and has decided to extend its authorities.

*Section 705. Participation of South Asia Countries in International Law Enforcement Academies.*

This section provides that the Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academies located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

The Committee is aware of the limitations on space and openings for training at the ILEAs, as well as the capacity to translate training lectures into additional languages. However, in light of the growing threat posed by transnational crime in South Asia, particularly involving narcotics, sex trafficking and international terrorism, and considering the growing importance of South Asia to U.S. national security and economic interests, the Committee hopes that the South Asian nations of Pakistan and India will be given primary consideration for these ILEAs where it could serve to enhance regional cooperation in areas such as terrorism and drug trafficking. In addition, secondary consideration should be given to including Nepal, to the extent practicable, in light of that country's increased role as a transit point for narcotics and its continuing problems with trafficking in human beings.

SUBTITLE B—SENSE OF CONGRESS PROVISIONS

*Section 731—Sense of Congress Relating to HIV/AIDS and U.N. Peacekeeping Operations.*

Expresses a sense of Congress that the President should direct the Secretary of State and the U.S. Representative to the U.N. to urge the U.N. to adopt an HIV/AIDS mitigation strategy as a component of U.N. peacekeeping operations.

*Section 732—Sense of Congress Relating to HIV/AIDS Task Force.*

Expresses a sense of Congress that the State Department should create an interagency task force to coordinate government agency international activities on HIV/AIDS.

*Section 733—Sense of Congress Condemning the Destruction of Statues in Afghanistan.*

Expresses a sense of Congress that condemns the Taliban's destruction of the pre-Islamic statues and calls upon the Taliban to allow U.N. organizations access to Afghanistan to survey the damage and facilitate restoration and preservation of remaining statues.



*Section 734—Sense of Congress Relating to the Taiwan Strait Issue.*

Expresses a sense of Congress that Taiwan is a democracy and it is the policy of the U.S. that a resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

*Section 735—Sense of Congress Relating to Drinking Water in Bangladesh.*

Expresses a sense of Congress that the Secretary of State should work with appropriate U.S. government agencies to identify a long term solution to the arsenic-contaminated drinking water problem in Bangladesh.

*Section 736—Sense of Congress Relating to Display of the American Flag at AIT.*

Expresses a sense of Congress that the American Institute in Taiwan should display the American flag.

*Section 737—Sense of Congress Regarding Human Rights Violations in West Papua and Aceh.*

Expresses a sense of Congress expressing a deep concern over ongoing human rights violations committed by the Indonesian military and police forces against civilians in West Papua and Aceh, as well as over violence by militias and other in Maluku, Central Kalimantan, and elsewhere in Indonesia.

*Section 738—Sense of Congress Supporting Properly Conducted Elections in Kosova During 2001.*

Expresses a sense of Congress that the U.N. Mission in Kosova should hold properly conducted elections throughout Kosova during 2001.

*Section 739—Sense of Congress Relating to Policy Review of Relations with the People's Republic of China.*

Expresses a sense of Congress that the President of the U.S. and his advisors should be commended for their success in negotiating the return of the 24 American crew members of the U.S. Navy reconnaissance aircraft that made an emergency landing on the Chinese island of Hainan on April 1, 2001 and that the U.S. should review its policy with respect to China in light of this and other recent events.

*Section 740—Sense of Congress Relating to Broadcasting in the Macedonian Language by Radio Free Europe.*

Expresses a sense of Congress that Radio Free Europe should broadcast in the Macedonian language to Macedonian-speaking areas of the Former Yugoslav Republic of Macedonia.

*Section 741—Sense of Congress Relating to Magen David Adom Society.*

Expresses a sense of Congress that the International Committee of the Red Cross should immediately recognize the Magen David Adom Society.

*Section 742—Sense of Congress Urging the Return of Portraits Painted by Dina Babbitt.*

Expresses a sense of Congress urging the President and the Secretary of State to make all efforts necessary to retrieve the seven watercolor portraits painted by Dina Babbitt that are held by the Auschwitz-Birkenau State Museum.

*Section 743—Sense of Congress Regarding Vietnamese Refugee Families.*

Expresses a sense of Congress that Vietnamese refugees who served substantial sentences in re-education camps on account of their wartime associations with the United States should be permitted to bring their unmarried sons and daughters when resettled in the United States. These family members are the subject of the “McCain Amendment,” most recently re-enacted as section 255 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. Unfortunately, this amendment has not yet been fully implemented and has been interpreted to exclude certain unmarried sons and daughters whose parents were accepted for admission to the United States prior to April 1, 1995. The Committee believes a further extension and expansion of the McCain amendment will be necessary in order to complete the important work of reunifying these refugee families.

*Section 744—Sense of Congress Relating to Membership of the U.S. in UNESCO.*

Expresses a sense of Congress that the President should take all necessary steps to renew the membership of the U.S. in the United Nations Educational, Scientific and Cultural Organization (UNESCO).

*Section 745—Sense of Congress Relating to Global Warming.*

Expresses a sense of Congress that the U.S. should: take action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors and continue negotiations to complete the rules and guidelines for the Kyoto Protocol in a manner that ensures the environmental integrity of the protocol.

This section makes a series of findings regarding global warming which discuss the nature and pace of global climate change, the contribution of human activities to global climate change and its scientific basis, the impact of global climate change on the world economy and environmental situation, the provisions of the United Nations Framework on Climate Change, and the role of American businesses in responding to global climate change and producing more efficient and renewable energy sources. The section also expresses the sense of Congress that the United States should demonstrate international leadership in mitigating the health, environmental and economic threats posed by global warming. Specifically, the U.S. should (1) take responsible action to ensure significant and meaningful reductions in emissions of carbon dioxide and other greenhouse gases from all sectors; and (2) continue to participate in international negotiations with the objective of completing the rules and guidelines for the Kyoto Protocol in a manner that is con-

sistent with the interests of the United States and that ensures that environmental integrity of the protocol.

*Section 746—Sense of Congress Regarding the Ban on Sinn Fein Ministers from the North-South Ministerial Council in Northern Ireland.*

Expresses a sense of Congress which calls upon First Minister David Trimble to adhere to the terms of the Good Friday Agreement and lift the ban on Sinn Fein Ministers from participating in the North-South Ministerial Council.

TITLE VIII—SECURITY ASSISTANCE

SUBTITLE A—MILITARY AND RELATED ASSISTANCE

CHAPTER 1—FOREIGN MILITARY SALES AND RELATED AUTHORITIES

*Section 811—Quarterly Report on Price and Availability Estimates.*

This section amends chapter 2 of the Arms Export Control Act to require quarterly reports to the Congress which provide price and availability information on possible arms sales to foreign countries. The furnishing of this additional information through this report will assist the Committee in its statutory role of providing oversight of arms transfers.

*Section 812—Official Reception and Representation Expenses.*

This section amends section 43(c) of the Arms Export Control Act to increase the annual limit on the amount of funds that may be expended for official reception and representation expenses under the AECA from \$72,500 to \$86,500. Reception and representational expenses are an important part of successfully conducting security assistance programs. Since 1993, the amount authorized for these expenses has remained at the same ceiling—\$72,500. Since 1993, an additional 33 Security Assistance Offices have been opened. These new offices are in countries where the primary relationship with the U.S. government for any aid is through the Foreign Military Financing Program, the International Military Education and Training Program, or through the transfer of excess defense articles.

*Section 813—Treatment of Taiwan Relating to Transfers of Defense Articles and Services.*

This section requires that Taiwan shall be treated as the equivalent of a major non-NATO ally for the purposes of the transfer or potential transfer of defense articles or defense services under the Arms Export Control Act, the Foreign Assistance Act or any other provision of law.

*Section 814—United States Policy with Regard to Taiwan.*

This section requires the President, or his designee, to consult at least once each calendar year with representatives of the armed forces of Taiwan, at not less than the level of Vice Chief of the General Staff, concerning the nature and quantity of defense articles and services to be made available to Taiwan in accordance with section 3(b) of the Taiwan Relations Act. These consultations shall take place in Washington, DC. This section also requires the Presi-

dent to consult, on a classified basis, with the Congress at least 30 days prior to his, or his designees', consultations with Taiwan regarding the availability of defense articles and services for Taiwan. The consultations with Congress shall include the following matters: (1) the request by Taiwan to the United States for the purchase of defense articles and services; (2) the President's assessment of the legitimate defense needs of Taiwan taking into account Taiwan's request for defense articles and services; and (3) the decision-making process used by the President to consider such request.

#### CHAPTER 2—EXCESS DEFENSE ARTICLE AND DEFENSE DRAWDOWN AUTHORITIES

##### *Section 821—Excess Defense Articles for Certain European and Other Countries.*

This section authorizes that funds of the Department of Defense may be expended for the provision of excess defense articles under section 516 of the Foreign Assistance Act of 1961 to Albania, Bulgaria, Croatia, Estonia, the Former Yugoslavia Republic of Macedonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia, the Philippines, Slovakia, and Uzbekistan. Most Central and Southern European and Newly Independent States countries urgently seek excess defense articles to replace former Soviet equipment as both a political statement and as a way to enhance interoperability with NATO. In addition, certain countries, such as Estonia, Latvia, and Lithuania, continue to require excess defense articles as they build their defense forces from very low levels. Unfortunately, most of these countries cannot afford packing, crating, handling and transportation costs associated with excess defense article transfers as they convert to market economies. Without the authority of this section, the excess defense article program becomes virtually unavailable to these countries.

##### *Section 823—Leases of Defense Articles for Foreign Countries and International Organizations.*

This section modifies section 61(b) of the Arms Export Control Act to provide authority to the President to enter into leases for defense articles from the stocks of the Department of Defense for fixed periods of time longer than years in instances where the defense articles require major refurbishment work prior to delivery to the lessor foreign country or international organization. The intent of this section is to allow the recipient of the leased defense article to have 5 years of actual use of the leased article. This section is necessary because over the past few years several NATO allies have sought to use leases of U.S. military fighter aircraft, ships and tanks that need major refurbishment as an economical and expeditious way to acquire modern defense capabilities to meet their defense requirements. Such major refurbishment work may take 18 months or more. It is the Committee's expectation, however, that no matter how long the requirement for such work, the length of the lease is not to exceed 5 years once the defense article is put to beneficial use by the recipient.

*Section 823—Priority with Respect to Transfer of Excess Defense Articles.*

This section amends section 516(c)(2) of the Foreign Assistance Act to require that the Philippines, along with other eligible countries pursuant to the section, receive priority with respect to the delivery of excess defense articles.

CHAPTER 3—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

*Section 831—International Counterproliferation Education and Training.*

This section amends chapter 9 of the Foreign Assistance Act to authorize the President to provide education and training to foreign governmental and military personnel for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction in the U.S. This section is modeled on the authorities under which international military education and training is provided. It is the Committee's intention to work with the Administration and other interested Committees in the Congress as this legislation moves through the legislative process to ensure that this authority is complementary to programs currently being run by the Departments of Defense and Commerce.

*Section 832—Annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological, and Chemical Weapons.*

This section consolidates four existing reporting requirements into one annual report on the proliferation of missiles and nuclear, biological and chemical weapons.

*Section 833—Five-Year International Arms Control and Nonproliferation Strategy.*

This section requires the Secretary of State to prepare and submit to the Congress a strategy that outlines a 5-year plan for curtailing the international proliferation of nuclear, chemical and biological weapons and ballistic missiles along with the goals and objectives of U.S. arms control and nonproliferation policy, including the specific programs and activities the Department of State intends to utilize to accomplish such objectives.

SUBTITLE B—STRENGTHENING THE MUNITIONS LICENSING PROCESS

*Section 841—License Officer Staffing.*

This section requires that not less than \$10,000,000 for each of fiscal years 2002 and 2003 be made available for the Office of Defense Trade Controls (ODTC) of the Department of State for salaries and expenses. Furthermore, this section also requires the Secretary of State to assign to ODTC a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not exceed 40 cases. Further this section states that the Secretary of Defense should ensure that 10 military officers are continuously detailed to ODTC on a nonreimbursable basis.

*Section 842—Funding for Database Automation.*

This section requires that not less than \$4,000,000 in each of fiscal year 2002 and 2003 be made available to ODTA for the modernization of information management systems.

*Section 843—Information Management Priorities.*

This section requires that not less than \$3,000,000 of the funds made available for each fiscal year in Sec. 842 shall be used to fully automate the Defense Trade Application System in order to establish a secure, Internet-based system for the filing and review of applications for munitions list items. The Committee provides this funding with the expectation that ODTA should provide a date certain for establishing such an automated system.

*Section 844—Improvements to the Automated Export System.*

This section requires the Secretary of Commerce, with the concurrence of the Secretary of State and Secretary of Treasury, to publish regulations in the Federal Register which require mandatory filing through the Automated Export System (AES) the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113). This section also requires the Secretary of State to conclude an information sharing arrangement with the United States Customs Service and the Census Bureau to adjust the AES to parallel information currently collected by the Department of State. Further this section amends the appropriate sections of U.S. Code to provide for civil and criminal penalties for failure to file export information. The Committee understands that the Census Bureau requires sufficient funding to implement these requirements and accordingly, when the Committee considers the Export Administration Act it will provide \$6.7 million for fiscal year 2002 for these purposes. The Committee urges the Secretary of Commerce, Secretary of Treasury and the Director of National Institute of Standards and Technology to provide the certification required under section 1252(c) of the Security Assistance Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113) in order that regulations may be published pursuant to section 1252 to require Shippers' Export Declarations to be filed through the AES with respect to exports of items on the U.S. Munitions List or the Commerce Control List. The Committee urges the Department of Commerce, as it works to promulgate those regulations, to prepare such regulations to include the requirements of this section, i.e., mandatory filing through AES for the remainder of exports.

*Section 845—Congressional Notification of Removal of Items from the Munitions List.*

This section requires the President to provide 30 day's notice to the Congress pursuant to section 634A(a) of the Foreign Assistance Act of 1961 of any items proposed to be removed from the munitions list. The Defense Trade Security Initiative calls for a review of the munitions list every 4 years. The Committee understands that the Administration is currently reviewing a portion of the list to determine if items warrant removal from the list. Given past instances of notifying the Congress pursuant to current statute when

the Congress was not in session or otherwise unable to review appropriately the proposed list revisions, the Committee believes it is warranted to institute this new practice of making such proposals subject to reprogramming and hold authorities.

*Section 846—Congressional Notification Thresholds for Allied Countries.*

This section modifies authorities in the Arms Export Control Act by increasing monetary thresholds which trigger congressional notifications for arms transfers (retransfers, government-to-government, commercial and leases) to countries which are members of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand. The monetary thresholds triggering congressional notifications have not been modified since 1981 and accordingly, the Committee believes these adjustments are warranted.

SUBTITLE C—AUTHORITY TO TRANSFER NAVAL VESSELS

*Section 851—Authority to Transfer Naval Vessels to Certain Foreign Countries.*

This section authorizes the transfer of 14 ships: Brazil (1 “Newport” class tank landing ship by sale), Poland (1 “Oliver Hazard Perry” class guided missile frigate by grant), Taiwan (4 “Kidd” class guided missile destroyers by sale), and Turkey (2 “Oliver Hazard Perry” class guided missile frigates by sale and 6 “Knox” class frigates by grant). This section requires that any expenses incurred with the transfer authorized on a grant basis shall be charged to the recipient; that, to the maximum extent practicable, repair and refurbishment of these ships be performed at U.S. Navy shipyards or other shipyards located in the U.S.; and that the authority to transfer these ships expires after 2 years.

SUBTITLE D—MISCELLANEOUS PROVISIONS

*Section 861—Annual Foreign Military Reports.*

This section modifies section 656(a) of the Foreign Assistance Act of 1961 to require that the Chairman or Ranking Member of the International Relations Committee or the Foreign Relations Committee must request the annual foreign military report (including the list of countries to be covered by such report) in order for the report to be compiled.

*Section 862—Report Relating to International Arms Sales Code of Conduct.*

This section modifies current law to require that the Secretary of State report to the Congress on progress made to begin negotiations on establishing an international arms sales code of conduct and makes a further technical amendment to that law.

NEW ADVISORY COMMITTEES

H.R. 1646 does not establish or authorize any new advisory committees.

## CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1646 does not apply to the legislative branch.

## FEDERAL MANDATES

H.R. 1646 provides no Federal mandates.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

## SECTION 404 OF THE ASIA FOUNDATION ACT

**SEC. 404.** There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.

*SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2002 and \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.*

## SECTION 701 OF U.S.-CHINA RELATIONS ACT OF 2000

## Public Law 106-286

**SEC. 701. AUTHORIZATIONS OF APPROPRIATIONS FOR BROADCASTING CAPITAL IMPROVEMENTS AND INTERNATIONAL BROADCASTING OPERATIONS.**

(a) BROADCASTING CAPITAL IMPROVEMENTS.—In addition to such sums as may otherwise be authorized to be appropriated, there are authorized to be appropriated for “Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements” \$65,000,000 for the fiscal year **[2001]** *2002*.

(b) INTERNATIONAL BROADCASTING OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated, there are authorized to be appropriated \$34,000,000 for each of the fiscal years **[2001 and 2002]** *2001, 2002, and 2003* for “Department of State and Related Agency, Related Agency, Broadcasting Board of Governors, International Broadcasting Operations” for the purposes under paragraph (2).

\* \* \* \* \*



**FOREIGN AFFAIRS REFORM AND RESTRUCTURING ACT  
OF 1998**

DIVISION G—FOREIGN AFFAIRS REFORM AND  
RESTRUCTURING ACT OF 1998

\* \* \* \* \*

**SUBDIVISION A—CONSOLIDATION OF FOREIGN  
AFFAIRS AGENCIES**

\* \* \* \* \*

**TITLE XIII—UNITED STATES INFORMATION AGENCY**

\* \* \* \* \*

**CHAPTER 4—CONFORMING AMENDMENTS**

\* \* \* \* \*

**SEC. 1334. SUNSET OF UNITED STATES ADVISORY COMMISSION ON  
PUBLIC DIPLOMACY.**

The United States Advisory Commission on Public Diplomacy, established under section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of Reorganization Plan Numbered 2 of 1977, shall continue to exist and operate under such provisions of law until October 1, [2001] 2005.

\* \* \* \* \*

**SUBDIVISION B—FOREIGN RELATIONS AUTHORIZATION**

\* \* \* \* \*

**TITLE XXII—DEPARTMENT OF STATE AUTHORITIES AND  
ACTIVITIES**

**CHAPTER 1—AUTHORITIES AND ACTIVITIES**

\* \* \* \* \*

**SEC. 2205. PILOT PROGRAM FOR FOREIGN AFFAIRS REIMBURSEMENT.**

(a) FOREIGN AFFAIRS REIMBURSEMENT.—

(1) \* \* \*

\* \* \* \* \*

[(3) TERMINATION OF PILOT PROGRAM.—Effective October 1, 2002, section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021), as amended by this subsection, is further amended—

[(A) by striking subsections (e) and (f); and

[(B) by redesignating subsection (g) as paragraph (4) of subsection (d).]

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**TITLE XXVII—EUROPEAN SECURITY ACT OF 1998**

\* \* \* \* \*

**SEC. 2705. RESTRICTIONS AND REQUIREMENTS RELATING TO BALLISTIC MISSILE DEFENSE.**

(a) \* \* \*

\* \* \* \* \*

(d) **REPORT ON COOPERATIVE PROJECTS WITH RUSSIA.**—Not later than January 1, 1999, [and January 1, 2000,] *January 1, 2001, January 1, 2002, and January 1, 2003* the President shall submit to the Committees on International Relations, National Security, and Appropriations of the House of Representatives and the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate a report on cooperative projects with Russia in the area of ballistic missile defense, including in the area of early warning. Each such report shall include the following:

(1) \* \* \*

\* \* \* \* \*

## **TITLE XXVIII—OTHER FOREIGN POLICY PROVISIONS**

**SEC. 2801. REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.**

(a) \* \* \*

(b) **TERMINATION.**—Subsection (a) shall cease to have effect on the earlier of—

(1) the date of submission of the [seventh] *eleventh* report under that subsection; or

\* \* \* \* \*

**SEC. 2802. REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.**

(a) **REPORTS REQUIRED.**—Not later than 30 days after the date of the enactment of this Act and every 3 months thereafter during the period ending September 30, [2001,] *2003*, the Secretary of State shall submit to the appropriate congressional committees a report on the implementation of section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6091). Each report shall include—

(1) \* \* \*

\* \* \* \* \*

**SEC. 2805. REPORT ON RELATIONS WITH VIETNAM.**

In order to provide Congress with the necessary information by which to evaluate the relationship between the United States and Vietnam, the Secretary of State shall submit a report to the appropriate congressional committees, not later than 90 days after the date of enactment of this Act and every 180 days thereafter during the period ending September 30, [2001,] *2003*, on the extent to which—

(1) \* \* \*

\* \* \* \* \*

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**ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOR-  
EIGN RELATIONS AUTHORIZATION ACT, FISCAL  
YEARS 2000 AND 2001**

\* \* \* \* \*

**DIVISION A—DEPARTMENT OF STATE  
PROVISIONS**

\* \* \* \* \*

**TITLE IV—UNITED STATES INFORMA-  
TIONAL, EDUCATIONAL, AND CUL-  
TURAL PROGRAMS**

**Subtitle A—Authorities and Activities**

\* \* \* \* \*

**SEC. 404. SUNSET OF UNITED STATES ADVISORY COMMISSION ON  
PUBLIC DIPLOMACY.**

(a) \* \* \*

\* \* \* \* \*

(c) REENACTMENT AND REPEAL OF CERTAIN PROVISIONS OF  
LAW.—

(1) \* \* \*

[(2) REPEAL.—Effective September 30, 2001, section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) and section 8 of the Reorganization Plan Numbered 2 of 1977 are repealed.]

\* \* \* \* \*

**SEC. 405. ROYAL ULSTER CONSTABULARY TRAINING.**

(a) TRAINING FOR THE ROYAL ULSTER CONSTABULARY.—No funds authorized to be appropriated by this or any other Act may be used to support any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Royal Ulster Constabulary (in this section referred to as the “RUC”) or RUC members until the President submits to the appropriate congressional committees [the report required by subsection (b)] *the reports required by subsections (b) and (c) and the certification described in [subsection (c)(1)] subsection (d)(1).*

(b) REPORT ON PAST TRAINING PROGRAMS.—[The President] *Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President* shall report on training or exchange programs conducted by the Federal Bureau of Investigation or other Federal law enforcement agencies for the RUC or RUC members [during fiscal years 1994 through 1999] *during each of the fiscal years 1994 through 2000.* Such report shall include—

(1) \* \* \*

\* \* \* \* \*

(c) *REPORT ON RELATED MATTERS.*—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003, the President shall report on the following:

(1) *The extent to which the Government of the United Kingdom has implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, in the new Northern Ireland police force.*

(2) *The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hamill, including the extent to which progress has been made on recommendations for independent judicial inquiries into these murders.*

[(c)] (d) CERTIFICATION REGARDING FUTURE TRAINING ACTIVITIES.—

(1) \* \* \*

(2) FISCAL YEAR [2001] 2003 APPLICATION.—The President shall make an additional certification under paragraph (1) before any Federal law enforcement agency conducts training for the RUC or RUC members in fiscal year [2001] 2003.

(3) APPLICATION TO SUCCESSOR ORGANIZATIONS.—The provisions of this subsection shall apply to any successor organization of the RUC.

\* \* \* \* \*

## TITLE VII—INTERNATIONAL ORGANIZATIONS AND COMMISSIONS

### Subtitle A—International Organizations Other than the United

\* \* \* \* \*

#### SEC. 704. SEMIANNUAL REPORTS ON UNITED STATES SUPPORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of enactment of this Act, and every 6 months thereafter for fiscal years 2000 [and 2001,], 2001, 2002, and 2003, the Secretary of State shall submit to Congress a report in a classified and unclassified manner on the status of efforts by the United States Government to support—

(1) \* \* \*

\* \* \* \* \*

## TITLE VIII—MISCELLANEOUS PROVISIONS

### Subtitle A—General Provisions

\* \* \* \* \*

#### SEC. 805. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act and every 6 months thereafter until October 1, **[2001,]** 2003, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) \* \* \*

\* \* \* \* \*

## DIVISION B—ARMS CONTROL, NON- PROLIFERATION, AND SECURITY AS- SISTANCE PROVISIONS

\* \* \* \* \*

## TITLE XII—SECURITY ASSISTANCE

\* \* \* \* \*

### Subtitle F—International Arms Sales Code of Conduct Act of 1999

\* \* \* \* \*

#### SEC. 1262. INTERNATIONAL ARMS SALES CODE OF CONDUCT.

(a) \* \* \*

\* \* \* \* \*

(c) REPORTS TO CONGRESS.—

(1) REPORT RELATING TO NEGOTIATIONS.—Not later than 6 months after the **[commencement of the negotiations under subsection (a),]** *date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2002 and 2003*, and not later than the end of every 6-month period thereafter until an agreement described in subsection (a) is concluded, the President shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the progress made **[during these negotiations.]** *to begin negotiations and any progress made to conclude an agreement during negotiations.*

(2) HUMAN RIGHTS REPORTS.—In the report required in sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(b) and 2304(b)), the Secretary of State shall describe the extent to which the practices of each country evaluated meet the criteria in paragraphs (1)(A) and (2) of [subsection (a)] *subsection (b)*.

\* \* \* \* \*

### SECTION 738 OF THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

【SEC. 738. Hereafter, notwithstanding any other provision of law, no housing or residence in a foreign country purchased by an agent or instrumentality of the United States, for the purpose of housing the agricultural attaché, shall be sold or disposed of without the approval of the Foreign Agricultural Service of the United States Department of Agriculture, including property purchased using foreign currencies generated under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) and used or occupied by agricultural attachés of the Foreign Agricultural Service: *Provided*, That the Department of State/Office of Foreign Buildings may sell such properties with the concurrence of the Foreign Agricultural Service if the proceeds are used to acquire suitable properties of appropriate size for Foreign Agricultural Service agricultural attachés: *Provided further*, That the Foreign Agricultural Service shall have the right to occupy such residences in perpetuity with costs limited to appropriate maintenance expenses.】

### SECTION 7 OF THE FISHERMEN'S PROTECTIVE ACT OF 1967

SEC. 7. (a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if said vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall guarantee—

(1) \* \* \*

\* \* \* \* \*

(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such seizure and detention, as determined by the [Secretary of Commerce] *Secretary of State*, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged

in the same fishery as that of the type and size of the seized vessel.

\* \* \* \* \*

## STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

### TITLE I—BASIC AUTHORITIES GENERALLY

#### ORGANIZATION OF THE DEPARTMENT OF STATE

##### SECTION 1. (a) \* \* \*

\* \* \* \* \*

[(f) **QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.**—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

[(g) **QUALIFICATIONS OF OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.**—The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.]

(f) **QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.**—

(1) **OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.**—*The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to matters relating to personnel in the Department of State, or that officer's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.*

(2) **OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.**—*The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.*

(3) **OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.**—*The officer of the Department of State with primary responsibility for assisting the Secretary of State with respect to international narcotics and law enforcement, or that officer's principal deputy, shall have substantial professional qualifications in the fields of management and Federal law enforcement.*

(g) **UNITED STATES SPECIAL ENVOY FOR SUDAN ISSUES.**—

(1) **IN GENERAL.**—*There shall be within the Department of State a United States Special Envoy for Sudan Issues who*

*shall be appointed by the President, by and with the advice and consent of the Senate.*

*(2) DUTIES.—In addition to such duties as the President and Secretary of State shall prescribe, the envoy shall work for a peaceful resolution of the conflict in Sudan and an end to abuses of human rights, including religious freedom, in Sudan.*

\* \* \* \* \*

SEC. 4. (a) \* \* \*

(b)(1) \* \* \*

(2) Activities described in paragraph (1) include—

[(A) the evacuation of United States Government employees and their dependents and private United States citizens when their lives are endangered by war, civil unrest, or natural disaster;]

*(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of (i) United States Government employees and their dependents, and (ii) private United States citizens or third-country nationals, on a reimbursable basis to the extent feasible, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended. No reimbursement shall be required which is greater than the amount the person evacuated would have been charged for a commercial air fare at the lowest rate available immediately prior to the onset of the war, civil unrest, or natural disaster giving rise to the evacuation;*

\* \* \* \* \*

#### SEC. 36A. AWARD OF [FOREIGN SERVICE] *THOMAS JEFFERSON STAR*.

(a) **AUTHORITY TO AWARD.**—The President, upon the recommendation of the Secretary, may award a [Foreign Service star] *Thomas Jefferson Star* to any member of the Foreign Service or any other civilian employee of the Government of the United States who, while employed at, or assigned permanently or temporarily to, an official mission overseas or while traveling abroad on official business, incurred a wound or other injury or an illness (whether or not the wound, other injury, or illness resulted in death)—

(1) as the person was performing official duties;

(2) as the person was on the premises of a United States mission abroad; or

(3) by reason of the person's status as a United States Government employee.

(b) **SELECTION CRITERIA.**—The Secretary shall prescribe the procedures for identifying and considering persons eligible for award of a [Foreign Service star] *Thomas Jefferson Star* and for selecting the persons to be recommended for the award.

(c) **AWARD IN THE EVENT OF DEATH.**—If a person selected for award of a [Foreign Service star] *Thomas Jefferson Star* dies before being presented the award, the award may be made and the star presented to the person's family or to the person's representative, as designated by the President.

(d) **FORM OF AWARD.**—The Secretary shall prescribe the design of the [Foreign Service star] *Thomas Jefferson Star*. The award may not include a stipend or any other cash payment.

(e) **FUNDING.**—Any expenses incurred in awarding a person a [Foreign Service star] *Thomas Jefferson Star* may be paid out of



appropriations available at the time of the award for personnel of the department or agency of the United States Government in which the person was employed when the person incurred the wound, injury, or illness upon which the award is based.

#### SPECIAL AGENTS

SEC. 37. (a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

(1) \* \* \*

\* \* \* \* \*

(3) protect and perform protective functions directly related to maintaining the security and safety of—

(A) \* \* \*

\* \* \* \* \*

(F) an individual who has been designated by the President or *President-elect* to serve as Secretary of State, prior to that individual's appointment.

\* \* \* \* \*

#### EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38. (a) \* \* \*

\* \* \* \* \*

(e) *RETENTION OF FUNDS.*—

(1) *IN GENERAL.*—To reimburse the expenses of the United States Government in preparing or prosecuting a claim against a foreign government or other foreign entity, the Secretary of State shall retain 1.5 percent of any amount between \$100,000 and \$5,000,000, and one percent of any amount over \$5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).

(2) *TREATMENT.*—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).

\* \* \* \* \*

### FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 1994 and 1995”.

#### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

\* \* \* \* \*

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND  
CULTURAL PROGRAMS

\* \* \* \* \*

PART B—USIA AND RELATED AGENCIES AUTHORITIES AND ACTIVITIES

Sec. 221. USIA office in Lhasa, Tibet.

\* \* \* \* \*

**[Sec. 226. United States transmitter in Kuwait.]**

\* \* \* \* \*

**TITLE I—DEPARTMENT OF STATE AND  
RELATED AGENCIES**

\* \* \* \* \*

PART B—AUTHORITIES AND ACTIVITIES

\* \* \* \* \*

**SEC. 140. VISAS.**

(a) SURCHARGE FOR PROCESSING CERTAIN VISAS.—

(1) \* \* \*

\* \* \* \* \*

(3) For each of the fiscal years 2000, **[2001, and 2002,]** *2001, 2002, and 2003*, any amount collected under paragraph (1) that exceeds \$316,715,000 for fiscal year 2000, \$316,715,000 for fiscal year 2001, **[and \$316,715,000 for fiscal year 2002]** *\$414,000,000 for fiscal year 2002, and \$422,000,000 for fiscal year 2003*, may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956. For subsequent fiscal years, fees may be collected under the authority of paragraph (1) only in such amounts as shall be prescribed in subsequent authorization Acts.

\* \* \* \* \*

**TITLE II—UNITED STATES INFORMA-  
TIONAL, EDUCATIONAL, AND CUL-  
TURAL PROGRAMS**

\* \* \* \* \*

**PART B—USIA AND RELATED AGENCIES  
AUTHORITIES AND ACTIVITIES**

\* \* \* \* \*

**[SEC. 226. UNITED STATES TRANSMITTER IN KUWAIT.]**

**[None of the funds authorized to be appropriated by this or any other Act may be obligated or expended for the design, devel-**

opment, or construction of a United States short-wave radio transmitter in Kuwait.】

\* \* \* \* \*

#### TITLE IV—INTERNATIONAL ORGANIZATIONS

##### PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS

\* \* \* \* \*

##### SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) \* \* \*

(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.—

(1) \* \* \*

(2) SUBSEQUENT FISCAL YEARS.—Funds authorized to be appropriated for “Contributions for International Peacekeeping Activities” 【for any fiscal year after fiscal year 1995】 for—

(A) *fiscal years 1996 through 2001, and any fiscal year after fiscal year 2003* shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 25 percent of the total of all assessed contributions for that 【operation.】 operation; and

(B) *fiscal years 2002 and 2003* shall not be available for the payment of the United States assessed contribution for a United Nations peacekeeping operation in an amount which is greater than 28.15 percent of the total of all assessed contributions for that operation.

\* \* \* \* \*

##### SEC. 409. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) \* \* \*

\* \* \* \* \*

【(d) REPORT TO CONGRESS.—Not later than February 1 of each year, the President shall submit to the Congress a report concerning the amount of United States assessed contributions paid to the United Nations and each of its specialized agencies during the preceding calendar year.】

\* \* \* \* \*

#### FOREIGN SERVICE ACT OF 1980

##### TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

\* \* \* \* \*

##### CHAPTER 4—COMPENSATION

\* \* \* \* \*

SEC. 405. PERFORMANCE PAY.—(a) \* \* \*

(b) Awards of performance pay shall take into account the criteria established by the Office of Personnel Management for per-

formance awards under section 5384 of title 5, United States Code, and rank awards under section 4507 of title 5, United States Code. Awards of performance pay under this section shall be subject to the following limitations:

(1) \* \* \*

\* \* \* \* \*

(3) Not more than 6 percent of the members of the Senior Foreign Service may receive performance pay in any fiscal year in an amount which exceeds the percentage limitation specified in paragraph (2). **Payments under this paragraph to a member of the Senior Foreign Service may not exceed \$10,000 in any fiscal year, except that payments of up to \$20,000 in any fiscal year may be made under this paragraph to up to 1 percent of the members of the Senior Foreign Service.** *Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of base pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the base pay established under section 4507(e)(2) of title 5, United States Code, for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.*

\* \* \* \* \*

SEC. 408. LOCAL COMPENSATION PLANS.—(a)(1) The Secretary shall establish compensation (including position classification) plans for foreign national employees of the Service and United States citizens employed under section 311(c)(1). To the extent consistent with the public interest, each compensation plan shall be based upon prevailing wage rates and compensation practices (including participation in local social security plans) for corresponding types of positions in the locality of employment, except that such compensation plans shall provide for payment of wages to United States citizens at a rate which is no less than the then applicable minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)). Any compensation plan established under this section may include provision for (A) leaves of absence with pay for employees in accordance with prevailing law and employment practices in the locality of employment without regard to any limitation contained in section 6310 of title 5, United States Code, (B) programs for voluntary transfers of such leave and voluntary leave banks, which shall, to the extent practicable, be established in a manner consistent with the provisions of subchapters III and IV, respectively, of chapter 63 of title 5, United States Code, and **[(C) payments by the Government and employees to a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest for the benefit of covered employees.]** *(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary of State, at whose*

*direction the Secretary of the Treasury shall invest amounts not required for the current needs of the fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.* For United States citizens under a compensation plan, the Secretary shall define those allowances and benefits provided under United States law which shall be included as part of the total compensation package, notwithstanding any other provision of law, except that this section shall not be used to override United States minimum wage requirements, or any provision of the Social Security Act or the Internal Revenue Code.

\* \* \* \* \*

#### CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

SEC. 901. TRAVEL AND RELATED EXPENSES.—The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

(1) \* \* \*

\* \* \* \* \*

(8) trips by a member of the **Service** *Service, and members of his or her family*, for purposes of family visitation in situations where the family of the member is prevented by official order from accompanying the member to, or has been ordered from, the assigned post of the member because of imminent danger due to the prevalence of disturbed conditions, except that—

(A) \* \* \*

\* \* \* \* \*

SEC. 904. HEALTH CARE.—(a) \* \* \*

(b) Any such health care program may include (1) medical examinations for applicants for employment, (2) medical examinations and inoculations or vaccinations, and other preventive and remedial care and services as necessary, for members of the Service and employees of the Department who are citizens of the United States and for members of their **families**, and (3) *families, (3) health education and disease prevention programs for all employees, and (4) examinations necessary in order to establish disability or incapacity of participants in the Foreign Service Retirement and Disability System or Foreign Service Pension System or to provide survivor benefits under chapter 8.*

\* \* \* \* \*

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#### CHAPTER 59 OF TITLE 5, UNITED STATES CODE

\* \* \* \* \*

### SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

\* \* \* \* \*

#### § 5924. Cost-of-living allowances

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) \* \* \*

\* \* \* \* \*

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary expenses, not otherwise compensated for, incurred because of his service in a foreign area or foreign areas in providing adequate education for his dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas), as follows:

(A) \* \* \*

(B) The travel expenses of dependents of an employee to and from a school in the United States (or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States) to obtain an American secondary or postsecondary educational institution education (other than a program of post-baccalaureate education), not to exceed one annual trip each way for each dependent. *At the option of the employee, in lieu of the transportation of the baggage of a dependent child from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee. The amount of the payment or reimbursement may not exceed the cost that the government would incur to transport the baggage.* An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining postsecondary educational institution education (other than a program of post-baccalaureate education), may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone. For the purposes of this subparagraph, the term "educational institution" has the meaning defined under section 1701(a)(6) of title 38.

\* \* \* \* \*

**§ 5927. Advances of pay**

(a) Up to three months' pay may be paid in advance—

(1) \* \* \*

\* \* \* \* \*

[(3) to a foreign national employee appointed under section 303 of the Foreign Service Act of 1980, or a nonfamily member United States citizen appointed under such section 303 (and employed under section 311 of such Act) for service at such nonfamily member's post of residence, who—

[(A) is located outside the country of employment of such foreign national employee or nonfamily member (as the case may be) pursuant to Government authorization; and

[(B) requires medical treatment outside the country of employment of such foreign national employee or nonfamily member (as the case may be), in circumstances specified by the President in regulations.]

(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—

(A) pursuant to government authorization is located outside the country of employment; and

(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.

\* \* \* \* \*

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**SECTION 103 OF THE HUMAN RIGHTS, REFUGEE, AND  
OTHER FOREIGN RELATIONS PROVISIONS ACT OF 1996**

**SEC. 103. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

(a) \* \* \*

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) Subject to the availability of appropriations, [for the fiscal year 2000] *for each of the fiscal years 2002 and 2003* at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet, and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

\* \* \* \* \*

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**MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE  
ACT OF 1961**

SEC. 105. (a) \* \* \*

\* \* \* \* \*

[(g) Notwithstanding any other provision of this Act, there are authorized to be appropriated for the purposes of making currency exchanges under section 102(b)(10) of this Act, not to exceed

\$10,000,000 for the fiscal year ending June 30, 1968, and not to exceed \$15,000,000 for the fiscal year ending June 30, 1969.】

*(g) NONPROFIT ENTITIES FOR CULTURAL PROGRAMMING.—*

*(1) The Secretary of State is authorized to provide for the establishment of private nonprofit entities to assist in carrying out the purposes of this subsection. Any such entity shall not be considered an agency or instrumentality of the United States Government and employees of such an entity shall not be considered employees of the United States Government for any purpose.*

*(2) An entity established pursuant to the authority of paragraph (1) may carry out the following:*

*(A) Encourage participation and support by United States corporations and other elements of the private sector for cultural, arts, and educational exchange programs which will enhance international appreciation of America's cultural and artistic accomplishments.*

*(B) Solicit and receive contributions from the private sector to support cultural, arts, and educational exchange programs.*

*(C) Provide grants and other assistance for such programs.*

*(3) The Secretary of State is authorized to make such arrangements as are necessary to carry out the purposes of any entity established pursuant to paragraph (1) including the following:*

*(A) The solicitation and receipt of funds for an entity.*

*(B) Designation of a program in recognition of such contributions.*

*(C) Appointment of members of the board of directors or other body established to administer an entity, including the appointment of employees of the United States Government as ex officio nonvoting members of such a board or other administrative body.*

*(D) Making recommendations with respect to specific artistic and cultural programs to be carried out by the entity.*

*(4) For fiscal years 2002 and 2003, not to exceed \$500,000 of funds available to the Department of State are authorized to be made available for each fiscal year for administrative and other costs for the establishment of entities pursuant to paragraph (1). An entity established pursuant to paragraph (1) is authorized to invest amounts made available to the entity by the Department of State, and such amounts, as well as interest or earnings on such amounts, may be used by the entity to carry out its purposes.*

*(5) Each entity established pursuant to paragraph (1) shall submit an annual report on the sources and amount of funds and other resources received and the programs funded by the entity to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

*(6) The financial transactions of each entity established under paragraph (1) for each fiscal year shall be the subject of an independent audit. A report of each such audit shall be*



*made available to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

\* \* \* \* \*

SEC. 112. (a) \* \* \*

\* \* \* \* \*

(d) The Bureau shall administer no programs except those [operating under the authority of this Act and consistent with] *which operate under the authority of this Act or promote its purposes.*

\* \* \* \* \*

## SECTION 245 OF THE TELEVISION BROADCASTING TO CUBA ACT

### SEC. 245. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

(a) \* \* \*

\* \* \* \* \*

[(d) STAFF DIRECTOR.—The Board shall have a staff director who shall be appointed by the Chairperson of the Advisory Board for Cuba Broadcasting.]

## SECTION 308 OF THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994

### SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) \* \* \*

\* \* \* \* \*

(h) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used for the following purposes:

(1)(A) Except as provided in subparagraph [(B),] (B) or (C), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation in excess of the rates established for comparable positions under title 5 of the United States Code or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

\* \* \* \* \*

(C) *Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated to pay up to 2 employees employed in Washington, D.C. salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.*

\* \* \* \* \*

**UNITED NATIONS REFORM ACT OF 1999**

\* \* \* \* \*

**Subtitle B—Arrearages to the United Nations**

**CHAPTER 1—AUTHORIZATION OF APPROPRIATIONS;  
OBLIGATION AND EXPENDITURE OF FUNDS**

\* \* \* \* \*

**SEC. 912. OBLIGATION AND EXPENDITURE OF FUNDS.**

(a) \* \* \*

\* \* \* \* \*

(c) **ADVANCE CONGRESSIONAL NOTIFICATION.**—Funds made available pursuant to section **[911]** *911(a)(3)* may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 30 days prior to the payment of the funds.

\* \* \* \* \*

**CHAPTER 3—REFORM OF ASSESSMENTS AND UNITED NATIONS PEACEKEEPING OPERATIONS**

**SEC. 931. CERTIFICATION REQUIREMENTS.**

(a) \* \* \*

(b) **CONDITIONS.**—The conditions under this subsection are the following:

(1) \* \* \*

**[(2) LIMITATION ON ASSESSED SHARE OF BUDGET FOR UNITED NATIONS PEACEKEEPING OPERATIONS.**—The assessed share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.]

**[(3)] (2) LIMITATION ON ASSESSED SHARE OF REGULAR BUDGET.**—The share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations member.

**CHAPTER 4—BUDGET AND PERSONNEL REFORM**

**SEC. 941. CERTIFICATION REQUIREMENTS.**

(a) **IN GENERAL.**—

(1) \* \* \*

(2) **SPECIFIED CERTIFICATION.**—A certification described in this section is **[also]** a certification that, with respect to the United Nations or a particular designated specialized agency, the conditions **[in subsection (b)(4)]** applicable to that organization are satisfied, regardless of whether the conditions **[in subsection (b)(4)]** applicable to any other organization are **[satisfied, if the other conditions in subsection (b) are satisfied]** *satisfied*.

\* \* \* \* \*

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) \* \* \*

\* \* \* \* \*

(3) **[NEW BUDGET PROCEDURES]** *BUDGET PRACTICES* FOR THE UNITED NATIONS.—The United Nations **[has established and]** is implementing budget **[procedures]** *practices* that—

(A) **[require]** *result in* the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus; and

(B) **[require]** *result in* the system-wide identification of expenditures by functional categories such as personnel, travel, and equipment.

\* \* \* \* \*

(9) **[NEW BUDGET PROCEDURES]** *BUDGET PRACTICES* AND FINANCIAL REGULATIONS.—**[Each designated specialized agency has established procedures to]** *The practices of each designated specialized agency—*

(A) **[require]** *result in* the maintenance of a budget that does not exceed the level agreed to by the member states of the organization at the beginning of each budgetary biennium, unless increases are agreed to by consensus;

(B) **[require]** *result in* the identification of expenditures by functional categories such as personnel, travel, and equipment; and

(C) **[require]** *result in* approval by the member states of the agency's supplemental budget requests to the Secretariat in advance of expenditures under those requests.

\* \* \* \* \*

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## UNITED NATIONS PARTICIPATION ACT OF 1945

SEC. 4. (a) \* \* \*

**[(b) TRANSMITTAL OF SECURITY COUNCIL RESOLUTIONS.—**Not later than 3 days (excluding Saturdays, Sundays, and legal holidays) after adoption of any resolution by the Security Council, the Secretary of State shall transmit the text of such resolution and any supporting documentation to the designated congressional committees.

**[(c) REPORTS ON PEACEKEEPING OPERATIONS.—**The Secretary of State shall promptly transmit to the designated congressional committees any published report prepared by the United Nations and distributed to the members of the Security Council that contains assessments of any proposed, ongoing, or concluded United Nations peacekeeping operation.]

*(b) ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States*

during the preceding year to international organizations in which the United States participates as a member.

[(d)] (c) ANNUAL REPORT.—In addition to the report required by subsection (a), the President, at the time of submission of the annual budget request to the Congress, shall submit to the designated congressional committees a report that includes the following:

(1) \* \* \*

\* \* \* \* \*

[(e)] (d) CONSULTATIONS AND REPORTS ON UNITED NATIONS PEACEKEEPING OPERATIONS.—

(1) \* \* \*

\* \* \* \* \*

(5) NOTIFICATION AND QUARTERLY REPORTS REGARDING UNITED STATES ASSISTANCE.—

(A) \* \* \*

[(B) QUARTERLY REPORTS.—

[(i) IN GENERAL.—The President shall submit quarterly reports to the designated congressional committees on all assistance provided by the United States during the preceding calendar quarter to the United Nations to support peacekeeping operations.

[(ii) MATTERS INCLUDED.—Each report under this subparagraph shall describe the assistance provided for each such operation, listed by category of assistance.

[(iii) FOURTH QUARTER REPORT.—The report under this subparagraph for the fourth calendar quarter of each year shall be submitted as part of the annual report required by subsection (d) and shall include cumulative information for the preceding calendar year.]

(B) ANNUAL REPORT.—*The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.*

[(f)] (e) DESIGNATED CONGRESSIONAL COMMITTEES.—In this section, the term “designated congressional committees” means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

[(g)] (f) RELATIONSHIP TO OTHER NOTIFICATION REQUIREMENTS.—Nothing in this section is intended to alter or supersede any notification requirement with respect to peacekeeping operations that is established under any other provision of law.

\* \* \* \* \*

[SEC. 6. The President is authorized to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces,

their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with article 43 of said Charter. The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under article 42 of said Charter and pursuant to such special agreement or agreements the Armed Forces, facilities, or assistance provided for therein: *Provided*, That, except as authorized in section 7 of this Act, nothing herein contained shall be construed as an authorization to the President by the Congress to make available to the Security Council for such purpose armed forces, facilities, or assistance in addition to the forces, facilities, and assistance provided for in such special agreement or agreements.】

**SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.**

(a) *Any agreement described in subsection (b) that is concluded by the President with the Security Council shall not be effective unless approved by the Congress by appropriate Act or joint resolution.*

(b) *An agreement referred to in subsection (a) is an agreement providing for the numbers and types of United States Armed Forces, their degree of readiness and general locations, or the nature of facilities and assistance, including rights of passage, to be made available to the Security Council for the purpose of maintaining international peace and security in accordance with Article 43 of the Charter of the United Nations.*

(c) *Except as provided in section 7, nothing in this section may be construed as an authorization to the President by the Congress to make available United States Armed Forces, facilities, or assistance to the Security Council.*

**DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE,  
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1973**

Public Law 92-544

**TITLE I—DEPARTMENT OF STATE**

\* \* \* \* \*

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

**CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS**

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, \$176,190,750: *Provided*, That after December 31, 1973, no appropriation is authorized and no payment shall be made to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization. 【Appropriations are authorized】 *Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236, 22 U.S.C. 287e note), as amended, appropriations are au-*

*thorized* and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33 ⅓ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements.

\* \* \* \* \*

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**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999**

\* \* \* \* \*

**TITLE IV—DEPARTMENT OF STATE AND RELATED  
AGENCIES**

**DEPARTMENT OF STATE**

\* \* \* \* \*

**INTERNATIONAL ORGANIZATIONS AND CONFERENCES**

\* \* \* \* \*

**ARREARAGE PAYMENTS**

For an additional amount for payment of arrearages to meet obligations of membership in the United Nations, and to pay assessed expenses of international peacekeeping activities, \$475,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended unless such obligation or expenditure is expressly authorized by law: *Provided further*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as the share of the total of all assessed contributions for the regular budget of the United Nations does not exceed 22 percent for any single United Nations [member, and the share of the budget for each assessed United Nations peacekeeping operation does not exceed 25 percent for any single United Nations member.] *member*.

\* \* \* \* \*

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**DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE,  
THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000**

**TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY**

**DEPARTMENT OF STATE**

\* \* \* \* \*

**ARREARAGE PAYMENTS**

For an additional amount for payment of arrearages to meet obligations of authorized membership in international multilateral organizations, and to pay assessed expenses of international peace-keeping activities, \$244,000,000, to remain available until expended: *Provided*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended until such time as [the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and] the designated specialized agencies have achieved zero nominal growth in their biennium budgets for 2000–2001 from the 1998–1999 biennium budget levels of the respective agencies: *Provided further*, That, none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated or expended with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency: *Provided futher*, That, notwithstanding the preceding proviso, an additional amount, not to exceed \$107,000,000, which is owed by the United Nations to the United States as a reimbursement, including any reimbursement under the Foreign Assistance Act of 1961 or the United Nations Participation Act of 1945, that was owed to the United States before the date of the enactment of this Act shall be applied or used, without fiscal year limitations, to reduce any amount owed by the United States to the United Nations.

\* \* \* \* \*

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**SECTION 4 OF THE GREAT LAKES FISHERY ACT OF 1956**

SEC. 4. (a) \* \* \*

\* \* \* \* \*

(c) The members of the advisory committees shall receive no compensation from the Government of the United States for their services as such members. Not more than [five] *ten* members of all the committees, designated by the committees and approved by the United States Section, may be paid by the Government of the United States for transportation expenses and per diem incident to

attendance at **[each]** *the annual* meeting of the Commission or of the United States Section.

\* \* \* \* \*

## SECTION 5 OF THE ACT OF JUNE 3, 1976

### Public Law 94-304

AN ACT To establish a Commission on Security and Cooperation in Europe.

**[SEC. 5.** In order to assist the Commission in carrying out its duties, the President shall submit to the Commission an annual report,, which shall include (1) a detailed survey of actions by the signatories of the Final Act reflecting compliance with or violation of the provisions of the Final Act, and (2) a listing and description of present or planned programs and activities of the appropriate agencies of the executive branch and private organizations aimed at taking advantage of the provisions of the Final Act to expand East-West economic cooperation and to promote a greater interchange of people and ideas between East and West.**]**

*SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization on Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is a particular concern relating to the implementation of Organization on Security and Cooperation in Europe commitments or where an OSCE presence exists. Such summary shall address the role played by Organization on Security and Cooperation in Europe institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period January 1 through December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the website of the Department of State.*

## SECTION 2 OF THE ACT OF SEPTEMBER 21, 1950

### Public Law 81-806

JOINT RESOLUTION To amend certain laws providing for membership and participation by the United States in certain international organizations.

**SEC. 2.** All financial contributions by the United States to the normal operations of the international organizations covered by this Act, which member states are obligated to support annually, shall be limited to the amounts provided in this Act: *Provided*, That contributions for special projects not regularly budgeted by such international organizations shall not be subject to the above limitation.

All financial contributions by the United States to international organizations in which the United States participates as a member shall be made by or with the consent of the Department



of State regardless of the appropriation from which any such contribution is made. [The Secretary of State shall report annually to the Congress on the extent and disposition of such contributions.]

## IRAN NONPROLIFERATION ACT OF 2000

\* \* \* \* \*

### SEC. 2. REPORTS ON PROLIFERATION TO IRAN.

(a) \* \* \*

\* \* \* \* \*

(e) *CONTENT OF REPORTS.*—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.

\* \* \* \* \*

### SEC. 5. DETERMINATION EXEMPTING FOREIGN PERSON FROM SECTIONS 3 AND 4.

(a) *IN GENERAL.*—Sections 3 and 4 shall not apply to a foreign person 15 days after the President reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the President has determined, on the basis of information provided by that person, or otherwise obtained by the President, that—

(1) \* \* \*

(2) the goods, services, or technology the transfer of which caused that person to be identified in a report submitted pursuant to section 2(a) did not materially contribute to Iran's efforts to develop nuclear, biological, or chemical weapons, or ballistic or cruise missile [systems] *systems, or conventional weapons*;

\* \* \* \* \*

## SECTION 822 OF THE NORTH KOREA THREAT REDUCTION ACT OF 1999

### SEC. 822. RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.

(a) *IN GENERAL.*—Notwithstanding any other provision of law or any international agreement, no agreement for cooperation (as defined in sec. 11 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2014 b.)) between the United States and North Korea may become effective, no license may be issued for export directly or indirectly to North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to [such agreement,] *such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group)*, and no approval may be given for the transfer or retransfer directly or indirectly to

North Korea of any nuclear material, facilities, components, or other goods, services, or technology that would be subject to [such agreement,] *such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group)*, until the President determines and reports to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that—

(1) \* \* \*

\* \* \* \* \*

## INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

\* \* \* \* \*

## TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

\* \* \* \* \*

### SEC. 201. ESTABLISHMENT AND COMPOSITION.

(a) \* \* \*

\* \* \* \* \*

(c) TERMS.—

(1) \* \* \*

(2) *ESTABLISHMENT OF STAGGERED TERMS.*—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph. Of the 3 members of the Commission appointed by the President under subsection (b)(1)(B)(i), 2 shall be appointed to a one-year term and 1 shall be appointed to a two-year term. Of the 3 members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), 1 of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a one-year term, and the other 2 appointments under such clause shall be two-year terms. Of the 3 members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), 1 of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a one-year term, and the other 2 appointments under such clause shall be two-year terms. The term of each member of the Commission appointed to a one-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a one-year term shall be filled by the appointment of a successor to a two-year term.

(d) *ELECTION OF CHAIR.*—At the first meeting of the Commission [in each calendar] after May 30 of each year, a majority of the

members of the Commission present and voting shall elect the Chair of the Commission.

\* \* \* \* \*

(g) VACANCIES.—Any vacancy of the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. *A member may serve after the expiration of that member's term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.*

\* \* \* \* \*

#### SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission \$3,000,000 *for each of the fiscal years 2002 and 2003* to carry out the provisions of this title.

\* \* \* \* \*

#### SEC. 208. STANDARDS OF CONDUCT AND DISCLOSURE.

(a) \* \* \*

\* \* \* \* \*

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Commission may contract with and compensate Government agencies or persons for the conduct of activities necessary to the discharge of its functions under this title. Any such person shall be hired without interruption or loss of civil service or Foreign Service status or privilege. The Commission may not procure temporary and intermittent services under section 3109(b) of title 5, United States Code, or under other contracting [authority other than that allowed under this title] *authority, in excess of \$75,000 annually, except as otherwise provided in this title.*

\* \* \* \* \*

(d) GIFTS.—

(1) IN GENERAL.—In order to preserve its independence, the Commission may not accept, use, or dispose of gifts or donations of [services or] property. An individual Commissioner or employee of the Commission may not, in his or her capacity as a Commissioner or employee, knowingly accept, use or dispose of gifts or donations of [services or] property, unless he or she in good faith believes such gifts or donations to have a value of less than \$50 and a cumulative value during a calendar year of less than \$100.

\* \* \* \* \*

#### [SEC. 209. TERMINATION.

[The Commission shall terminate on May 14, 2003.]

\* \* \* \* \*

### ARMS EXPORT CONTROL ACT

\* \* \* \* \*

## Chapter 1.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

\* \* \* \* \*

SEC. 3. ELIGIBILITY.—(a) \* \* \*

\* \* \* \* \*

(d)(1) The President may not give his consent under paragraph (2) of subsection (a) or under the third sentence of such subsection, or under section 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961, to a transfer of any major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or any defense article or related training or other defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more (*or, in the case of a transfer to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment valued (in terms of its original acquisition cost) at \$25,000,000 or more, or of defense articles or defense services valued (in terms of its original acquisition cost) at \$100,000,000 or more*), unless the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

(A) \* \* \*

\* \* \* \* \*

(3)(A) The President may not give his consent to the transfer of any major defense equipment valued (in terms of its original acquisition cost) at \$14,000,000 or more, or of any defense article or defense service valued (in terms of its original acquisition cost) at \$50,000,000 or more (*or, in the case of a transfer to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment valued (in terms of its original acquisition cost) at \$25,000,000 or more, or of defense articles or defense services valued (in terms of its original acquisition cost) at \$100,000,000 or more*), the export of which has been licensed or approved under section 38 of this Act, unless before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a certification containing the information specified in subparagraphs (A) through (E) of paragraph (1). Such certification shall be submitted—

(i) \* \* \*

\* \* \* \* \*

## Chapter 2.—FOREIGN MILITARY SALES AUTHORIZATIONS

\* \* \* \* \*

### SEC. 28. QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTIMATES.

(a) *QUARTERLY REPORT.*—Not later than 15 days after the end of each calendar quarter, the President shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report that contains the information described in subsection (b).

(b) *INFORMATION.*—The information described in this subsection is the following:

(1)(A) *Each price and availability estimate provided by the United States Government during such calendar quarter to a foreign country with respect to a possible sale under this Act of major defense articles having a cost of \$7,000,000 or more, or of any other defense articles or services having a cost of \$25,000,000 or more.*

(B) *The name of each foreign country to which an estimate described in subparagraph (A) was provided, the defense articles or services involved, the quantity of the articles or services involved, and the price estimate.*

(2)(A) *Each request received by the United States Government from a foreign country during such calendar quarter for the issuance of a letter of offer to sell defense articles or defense services if the proposed sale does not include a price and availability estimate (as described in paragraph (1)(A)).*

(B) *The name of each foreign country that makes a request described in subparagraph (A), the date of the request, the defense articles or services involved, the quantity of the articles or services involved, and the price and availability terms requested.*

\* \* \* \* \*

### Chapter 3.—MILITARY EXPORT CONTROLS

\* \* \* \* \*

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) \* \* \*

(b)(1) In the case of any letter of offer to sell any defense articles or services under this Act for \$50,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$14,000,000 or more (or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment under this Act for \$25,000,000 or more, any defense articles or services for \$100,000,000 or more, or any design and construction services for \$300,000,000 or more), before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. In a case in which such

articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

(A) \* \* \*

\* \* \* \* \*

(5)(A) \* \* \*

\* \* \* \* \*

(C) If the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection costs \$14,000,000 or more in the case of any major defense equipment, \$50,000,000 or more in the case of defense articles or defense services, or \$200,000,000 or more in the case of design or construction services (*or, in the case of a letter of offer to sell to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, any major defense equipment for \$25,000,000 or more, any defense articles or services for \$100,000,000 or more, or any design and construction services for \$300,000,000 or more*), then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

\* \* \* \* \*

(c)(1) In the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of \$14,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$50,000,000 or more (*or, in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export to a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, of any major defense equipment sold*

*under a contract in the amount of \$25,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more), before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.*

\* \* \* \* \*

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) \* \* \*

\* \* \* \* \*

(f)(1) The President shall periodically review the items on the United States Munitions List to determine what items, if any, no longer warrant export controls under this section. The results of such reviews shall be reported to the Speaker of the House of Representatives and to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate. [Such a report shall be submitted at least 30 days before any item is removed from the Munitions List and shall describe the nature of any controls to be imposed on that item under the Export Administration Act of 1979.] *The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications*

*under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.*

\* \* \* \* \*

#### **Chapter 4.—GENERAL, ADMINISTRATIVE, AND MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

##### **SEC. 43. ADMINISTRATIVE EXPENSES.—(a) \* \* \***

\* \* \* \* \*

(c) Not more than **【\$72,500】** *\$86,500* of the funds derived from charges for administrative services pursuant to section 21(e)(1)(A) of this Act may be used each fiscal year for official reception and representation expenses.

\* \* \* \* \*

#### **CHAPTER 6—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES**

\* \* \* \* \*

##### **SEC. 61. LEASING AUTHORITY.—(a) \* \* \***

\* \* \* \* \*

**【(b) Each lease agreement】** *(b)(1) Each lease agreement* under this section shall be for a fixed duration **【of not to exceed five years】** *which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,* and shall provide that, at any time during the duration of the lease, the President may terminate the lease and require the immediate return of the leased articles.

*(2) In this subsection, the term “major refurbishment work” means work for which the period of performance is six months or more.*

\* \* \* \* \*

**SEC. 63. LEGISLATIVE REVIEW.—(a)** In the case of any agreement involving the lease under this chapter, or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961, to any foreign country or international organization for a period of one year or longer of any defense articles which are either (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at \$14,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at \$50,000,000 or more *(or, in the case of such an agreement with a country which is a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, (i) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at \$25,000,000 or more, or (ii) defense articles valued (in terms of their replacement cost less any depreciation in their value) at \$100,000,000 or more),* the agreement may not be entered into or renewed if the Congress, within the 15-day or 30-day period specified in section 62(c) (1) or



(2), as the case may be, enacts a joint resolution prohibiting the proposed lease or loan.

\* \* \* \* \*

## SECTION 105 OF THE ACT OF JULY 21, 1996

### Public Law 104-164

AN ACT To amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to make improvements to certain defense and security assistance provisions under those Acts, to authorize the transfer of naval vessels to certain foreign countries, and for other purposes.

#### SEC. 105. EXCESS DEFENSE ARTICLES FOR CERTAIN EUROPEAN COUNTRIES.

Notwithstanding section 516(e) of the Foreign Assistance Act of 1961, as added by this Act, during each of the fiscal years [2000 and 2001] *2001, 2002, and 2003*, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to countries that are eligible to participate in the Partnership for Peace and that are eligible for assistance under the Support for East European Democracy (SEED) Act of 1989.

## FOREIGN ASSISTANCE ACT OF 1961

\* \* \* \* \*

### PART II

#### CHAPTER 1—POLICY

\* \* \* \* \*

#### SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) \* \* \*

\* \* \* \* \*

(c) TERMS OF TRANSFERS.—

(1) \* \* \*

(2) PRIORITY.—Notwithstanding any other provision of law, the delivery of excess defense articles under this section to member countries of the North Atlantic Treaty Organization (NATO) on the southern and southeastern flank of NATO [and to major non-NATO allies on such southern and southeastern flank], *to major non-NATO allies on such southern and southeastern flank, and to the Philippines* shall be given priority to the maximum extent feasible over the delivery of such excess defense articles to other countries.

\* \* \* \* \*

## CHAPTER 9—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

\* \* \* \* \*

**SEC. 584. INTERNATIONAL COUNTER-PROLIFERATION EDUCATION AND TRAINING.**

(a) *GENERAL AUTHORITY.*—*The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to foreign governmental and military personnel for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction in the United States.*

(b) *ADMINISTRATION OF COURSES.*—*The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs, but may rely upon any of the following agencies to recommend personnel for the education and training, and to administer specific courses of instruction:*

(1) *The Department of Defense (including national weapons laboratories under contract with the Department).*

(2) *The Department of Energy (including national weapons laboratories under contract with the Department).*

(3) *The Department of Commerce.*

(4) *The intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))).*

(5) *The United States Customs Service.*

(6) *The Federal Bureau of Investigation.*

(c) *PURPOSES.*—*Education and training activities conducted under this section shall be—*

(1) *of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;*

(2) *designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and*

(3) *designed to improve the ability of friendly countries to utilize their resources, including defense articles and defense services obtained by them from the United States, with maximum effectiveness, thereby contributing to greater self-reliance by such countries.*

**SEC. [584] 585. LIMITATIONS.**

The limitations contained in section 573(a) and (d) of this Act shall apply to this chapter.

**SEC. [585] 586. AUTHORIZATION OF APPROPRIATIONS.**

(a) *AUTHORIZATION OF APPROPRIATIONS.*—*There are authorized to be appropriated to the President to carry out this chapter \$129,000,000 for fiscal year 2001 and \$142,000,000 for fiscal year 2002.*

\* \* \* \* \*

**PART III**

\* \* \* \* \*

**CHAPTER 3—MISCELLANEOUS PROVISIONS**

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**SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

(a) ANNUAL REPORT.—[Not later than January 31 of each year,] *Upon written request by the chairman or ranking member of the Committee on International Relations of the House of Representatives or the Committee on Foreign Relations of the Senate,* the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel *of a country specified in the request* by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

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**SECTION 1097 OF THE NATIONAL DEFENSE  
AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993**

**[SEC. 1097. ANNUAL REPORT ON THE PROLIFERATION OF MISSILES  
AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGI-  
CAL, AND CHEMICAL WEAPONS.**

[(a) REPORT REQUIRED.—(1) The President shall submit to the Committees on Armed Services and Foreign Affairs of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate an annual report on the transfer by any country of weapons, technology, or materials that can be used to deliver, manufacture, or weaponize nuclear, biological, or chemical weapons (hereinafter in this section referred to as “NBC weapons”) to any country other than a country referred to in subsection (d) that is seeking to acquire such weapons, technology, or materials, or other system that the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

[(2) The first such report shall be submitted not later than 90 days after the date of the enactment of this Act.

[(b) MATTERS TO BE COVERED.—Each such report shall cover—

[(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary has reason to believe may be intended for the delivery of NBC weapons;

[(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary has reason to believe may be used to deliver NBC weapons; and

[(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary has reason to believe could be used to manufacture NBC weapons.

[(c) CONTENT OF REPORT.—Each such report shall include the following:

[(1) The status of missile, aircraft, and other weapons delivery and weaponization programs in any such country, including efforts by such country to acquire MTCR equipment, NBC-capable aircraft, or any other weapon or major weapon component which is dedicated to the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the

Secretary has reason to believe could be used to deliver NBC weapons.

[(2) The status of NBC weapons development, manufacture, and deployment programs in any such country, including efforts to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

[(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country in the development of—

[(A) missile systems, as defined in the MTCR or that the Secretary has reason to believe may be used to deliver NBC weapons;

[(B) aircraft and other delivery systems and weapons that the Secretary has reason to believe could be used to deliver NBC weapons; and

[(C) NBC weapons.

[(4) A listing of those persons and countries which continue to provide such equipment or technology described in paragraph (3) to any country as of the date of submission of the report.

[(5) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other agreements.

[(6) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other agreements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

[(7) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

[(8) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

[(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, Denmark, the Federal Republic of Germany, France, Greece, Iceland, Israel, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey, the United Kingdom, and the United States.

[(e) CLASSIFICATION OF REPORT.—The President shall make every effort to submit all of the information required by this section in unclassified form. Whenever the President submits any such information in classified form, he shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

[(f) DEFINITIONS.—For purposes of this section:

[(1) The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

[(2) The term “weaponize” or “weaponization” means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

[(g) REPEAL OF SUPERSEDED LAW.—Section 1704 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1749; 22 U.S.C. 2797) is repealed.】

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## **SECTION 308 OF THE CHEMICAL AND BIOLOGICAL WEAPONS CONTROL AND WARFARE ELIMINATION ACT OF 1991**

### **[SEC. 308. PRESIDENTIAL REPORTING REQUIREMENTS.**

[(a) REPORTS TO CONGRESS.—Not later than 90 days after the date of the enactment of this title, and every 12 months thereafter, the President shall transmit to the Congress a report which shall include—

[(1) a description of the actions taken to carry out this title, including the amendments made by this title;

[(2) a description of the current efforts of foreign countries and subnational groups to acquire equipment, materials, or technology to develop, produce, or use chemical or biological weapons, together with an assessment of the current and likely future capabilities of such countries and groups to develop, produce, stockpile, deliver, transfer, or use such weapons;

[(3) a description of—

[(A) the use of chemical weapons by foreign countries in violation of international law,

[(B) the use of chemical weapons by subnational groups,

[(C) substantial preparations by foreign countries and subnational groups to do so, and

[(D) the development, production, stockpiling, or use of biological weapons by foreign countries and subnational groups; and

[(4) a description of the extent to which foreign persons or governments have knowingly and materially assisted third countries or subnational groups to acquire equipment, material, or technology intended to develop, produce, or use chemical or biological weapons.

[(b) PROTECTION OF CLASSIFIED INFORMATION.—To the extent practicable, reports submitted under subsection (a) or any other provision of this title should be based on unclassified information. Portions of such reports may be classified.】

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## SECTION 1607 OF THE IRAN-IRAQ ARMS NON- PROLIFERATION ACT OF 1992

### SEC. 1607. REPORTING REQUIREMENT.

[(a) ANNUAL REPORT.—Beginning one year after the date of the enactment of this Act, and every 12 months thereafter, the President shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report detailing—

[(1) all transfers or retransfers made by any person or foreign government during the preceding 12-month period which are subject to any sanction under this title; and

[(2) the actions the President intends to undertake or has undertaken pursuant to this title with respect to each such transfer.]]

\* \* \* \* \*

## SECTION 585 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1997

### NORTH KOREA

SEC. 585. Ninety days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, in consultation with the Secretary of Defense, shall provide a report in a classified or unclassified form to the Committee on Appropriations including the following information:

(a) a best estimate on fuel used by the military forces of the Democratic People's Republic of Korea (DPRK);

(b) the deployment position and military training and activities of the DPRK forces and best estimate of the associated costs of these activities; *and*

(c) steps taken to reduce the DPRK level of forces[; and].

[(d) cooperation, training, or exchanges of information, technology or personnel between the DPRK and any other nation supporting the development or deployment of a ballistic missile capability.]]

## TITLE 13, UNITED STATES CODE

\* \* \* \* \*

### CHAPTER 9—COLLECTION AND PUBLICATION OF FOREIGN COMMERCE AND TRADE STATISTICS

Sec.

301. Collection and publication.

\* \* \* \* \*

[305. Violations, penalties.]

305. Penalties for unlawful export information activities.

\* \* \* \* \*

### § 303. Secretary of Treasury functions

To assist the Secretary to carry out the provisions of this chapter, the Secretary of the Treasury shall collect information in the form and manner prescribed by the regulations issued pursuant to this chapter from persons engaged in foreign commerce or trade[, other than by mail,] and from the owners or operators of carriers.

### § 304. Filing export information, delayed filings, penalties for failure to file

(a) The information or reports in connection with the exportation or transportation of cargo required to be filed by carriers with the Secretary of the Treasury under any rule, regulation, or order issued pursuant to this chapter may be filed after the departure of such carrier from the port or place of exportation or transportation, whether such departing carrier is destined directly to a foreign port or place or to a noncontiguous area, or proceeds by way of other ports or places of the United States, provided that a bond in an approved form in [the penal sum of \$1,000] *a penal sum of \$10,000* is filed with the Secretary of the Treasury. The Secretary of Commerce may, by a rule, regulation, or order issued in conformity herewith, prescribe a maximum period after such departure during which the required information or reports may be filed. In the event any such information or report is not filed within such prescribed period, [a penalty not to exceed \$100 for each day's delinquency beyond the prescribed period, but not more than \$1,000, shall be exacted] *the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed \$1,000 for each day's delinquency beyond the prescribed period, but not more than \$10,000 per violation.* Civil suit may be instituted in the name of the United States against the principal and surety for the recovery of any penalties that may accrue and be exacted in accordance with the terms of the bond.

(b) *Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers and employees of the Department of Commerce designated by the Secretary) may impose a civil penalty not to exceed \$1,000 for each day's delinquency beyond the prescribed period, but not more than \$10,000 per violation.*

[(b)] (c) The Secretary may remit or mitigate any penalty incurred for violations of this section and regulations issued pursuant thereto if, in his opinion, they were incurred without willful negligence or fraud, or other circumstances justify a remission or mitigation.

### § 305. Violations, penalties

[Any person, including the owners or operators of carriers, violating the provisions of this chapter, or any rule, regulation, or order issued thereunder, except as provided in section 304 above,

shall be liable to a penalty not to exceed \$1,000 in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.】

**§ 305. Penalties for unlawful export information activities**

(a) *CRIMINAL PENALTIES.*—(1) Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

(2) Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

(3) Any person who is convicted under this subsection shall, in addition to any other penalty, forfeit to the United States—

(A) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

(B) any of that person's interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

(C) any of that person's property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

(b) *CIVIL PENALTIES.*—The Secretary (and officers and employees of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

(c) *CIVIL PENALTY PROCEDURE.*—(1) When a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

(2) If any person fails to pay a civil penalty imposed under this chapter, the Secretary may ask the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(3) The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in his or her opinion—

(A) the penalties were incurred without willful negligence or fraud; or



(B) other circumstances exist that justify a remission or mitigation.

(4) If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

(5) Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

(d) *ENFORCEMENT.*—(1) The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

(2) The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

(e) *REGULATIONS.*—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

(f) *EXEMPTION.*—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.

\* \* \* \* \*



ADDITIONAL VIEWS ON SECTIONS 131–33 (REGARDING FOREIGN  
ORGANIZATIONS THAT PERFORM AND PROMOTE ABORTIONS)

We strongly support this legislation, which will provide the necessary resources and authorities for a strong United States foreign policy for the 21st century. However, we strongly oppose sections 131–33, which are misnamed the “Global Democracy Promotion Act,” and which were inserted into the bill by a close vote at the Committee markup. These provisions would sharply restrict the President’s authority to set reasonable terms and conditions on the distribution of United States foreign assistance. They are specifically designed to overturn the pro-life “Mexico City Policy,” which erects a wall of separation between United States family planning programs and the international abortion industry.

In the first place, we observe that general provisions on foreign assistance have no place in this legislation. This is a foreign relations authorization act, not a foreign aid bill. Moreover, even aside from their irrelevance to the subject matter of the bill into which it has been inserted, these provisions are profoundly objectionable.

Abortion advocates assert that the Mexico City Policy is a “gag rule” that violates the right to free speech. But even if U.S. constitutional provisions applied to foreign organizations doing business on foreign soil, the first amendment right to free speech would not give these organizations a right to receive Federal tax dollars.

Organizations that represent the United States in foreign countries are analogous to our ambassadors. Their advocacy in these countries on issues closely related to the U.S. programs they administer (as well as their other activities, such as the actual performance of abortions) is highly relevant to whether they can effectively administer these programs.

Specifically, among the most important stated purposes of U.S. family planning programs overseas is to reduce the number of abortions by providing contraception instead. The U.S. has no obligation to administer these programs through agents who fundamentally disagree with this goal. For the same reasons that we would not hire casino lobbyists to run an international anti-gambling campaign, or a distillery to run an anti-alcohol campaign, it makes no sense to hire abortionists or abortion lobbyists to run programs that are aimed at reducing abortions.

Opponents of the Mexico City Policy also argue that U.S. family planning grantees should be allowed to perform and promote abortion so long their abortion-related activities were carried out with “their own” money rather than the U.S. grant money. But this is nothing more than a bookkeeping trick. It ignores the fact that money is fungible, and that when we subsidize an organization we inevitably enrich and empower all of its activities. We also enhance the domestic and international prestige of the organization by giving it an official U.S. seal of approval.

Proponents of these provisions also claim that the Mexico City policy is not just anti-abortion, but also anti-family planning. But let us be clear on this: the Mexico City Policy does not weaken international family planning programs. It does not take a penny away from the \$425 million the Administration has requested for population assistance around the world. On the contrary, it strengthens these programs, by ensuring that U.S. funds are directed to those groups that provide family planning—which is something entirely distinct from abortion—but do not perform or promote abortion as a method of birth control.

Finally, the most outrageous claim made by proponents of these provisions is that the Mexico City Policy will somehow interfere with efforts to address the HIV/AIDS epidemic. On the contrary, the United States currently spends over a half-billion dollars per year on fighting AIDS (\$482.5 million in direct U.S. expenditures in FY 2001, plus many millions more in contributions to organizations such as the World Health Organization and the United Nations Development Program, which conduct their own anti-AIDS programs). The Mexico City Policy has absolutely no application to this half-billion dollars. It applies only to international population assistance. The proponents of the anti-Mexico City Policy provisions contend that this population assistance has an incidental effect of reducing exposure to the HIV virus, because certain contraceptive devices provide some protection from infection. Again, however, this argument misses the whole point of the Mexico City Policy. The policy does not reduce population assistance by one penny. With or without the Mexico City Policy, the same amount of money may lawfully be spent on contraceptive devices, and the same number of devices distributed. The only difference is whether we fund abortionists or non-abortionists to distribute them. Throughout our government's long experience with implementation of the Mexico City Policy (1984 through January 1993, and again in fiscal year 2001) there have always been hundreds of highly qualified non-governmental organizations around the world willing and able to administer U.S. programs. These organizations are in the business of family planning, not abortion. So the claim that requiring the President to fund abortionists is necessary to eradicate AIDS is demonstrably false.

For all these reasons, we intend to offer an amendment during floor consideration of this bill that will strike these misleading provisions and thereby preserve the President's authority to impose reasonable terms and conditions on the distribution of United States population assistance. The adoption of such an amendment will greatly strengthen the legislation.

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ILEANA ROS-LEHTINEN.  
PETER T. KING.  
RICHARD BURR.  
THOMAS G. TANCREDO.  
JOSEPH R. PITTS.  
ERIC CANTOR.  
JEFF FLAKE.  
JO ANN DAVIS.

ADDITIONAL VIEWS IN OPPOSITION TO KYOTO AMENDMENT, SECTION  
738 OF TITLE VII

We strongly support H.R. 1646 and the resources and authorities to carry out a strong foreign policy of the United States. However, we strongly oppose section 738 of title VII which was inserted into this legislation by a close vote of the Committee on International Relations.

In the 1970's, the Eighth Annual Report of the Council on Environmental Quality stated that the "Global CO<sub>2</sub> problem is an issue which must be addressed in terms of its relevance to national energy policies." That statement is as true today as it was then. Yet until this year, no Administration has sought to address the issue of global climate change in the context of its relevance to U.S. energy policy. Our 43rd President, George W. Bush, to his credit, recognized this important connection and his Administration is engaged in a two-pronged effort to develop a viable energy policy and to seek ways to address climate change. We support that approach and look forward to the results of that effort later this year.

For the Congress, climate change is hardly a new issue. In 1978, Congress enacted the National Climate Program Act, which said that our country "lacks a well-defined and coordinated program in climate-related research, monitoring, and assessment of effects and information utilization." Nearly a decade later the Global Climate Protection Act of 1987 was passed that set "Goals of United States Policy," which included increasing "worldwide understanding of the greenhouse effect and its environmental and health consequences" and fostering "cooperation among nations to develop more extensive and coordinated scientific research efforts with respect to the greenhouse effect." Under that law, a joint Environmental Protection Agency-State Department report was sent in the early 1990's to Congress that stressed the *global nature of climate change and greenhouse gas emissions* and called for "international consensus" and a "comprehensive" approach to "addressing potential climate change."

Internationally, the United Nations and the World Meteorological Organization in 1988 convened a new organization called the "Intergovernmental Panel on Climate Change" (IPCC). The IPCC is composed of government representatives, who have established working groups composed of scientists, engineers, analysts and other experts. They do not do original research. Rather, they author 1,000 page and longer assessment reports on climate science, impacts and mitigation based on published and unpublished literature, not all of which is peer reviewed.

Those reports include a shorter "Summary for Policymakers" (SPMs) that is really a political document negotiated and adopted by government representatives line-by-line pursuant to IPCC procedures that were revised in 1999 by the IPCC, not the scientists.

In short, it is the experts that “own” the Assessment Reports and the government representatives—many of whom are also negotiating the Protocol—and the Chairman of the IPCC who “own” the SPMs. Also, internationally, the U.S. ratified in 1992 the Framework Convention on Climate Change (FCCC), which set forth in Article 4 an “aim,” not a mandate, to stabilize greenhouse gas emissions by 2000 in industrialized countries, such as the U.S. As we all know, 2000 has come and gone and, except for the U.K. and Germany which have special, one-time circumstances, no industrialized Party to the Convention could achieve that “aim” by 2000.

The Constitution gives the Senate both a “consent” and “advice” role in treaty matters, although the Executive Branch rarely seeks such advice. Nevertheless, in early 1997 Senators Byrd and Hagel introduced S. Res. 98 with over 60 bipartisan co-sponsors, remembering that when the Convention was before the Senate in 1992, the Administration agreed that any further instrument for targets and timetables would have to receive advice and consent to ratification from the Senate. The resolution forewarned the Administration not to sign an agreement that would (1) cause serious harm to the U.S. economy, or (2) that did not include all countries that were Parties to the Convention.

Despite the fact that Byrd-Hagel resolution passed the Senate in July 1997 by a vote of 95–0, the Clinton Administration did not heed that unanimous Senate advice. Instead, Vice President Gore went to Kyoto during the third U.N. conference and instructed the U.S. delegation to “show increased flexibility.” Thereafter, in the wee hours of the morning of the eleventh day, the Kyoto Protocol was born and about a year later it was signed by the Clinton Administration.

As to the first principle of S. Res. 98, the Protocol “scheduled” commitments to reduce greenhouse gases applies only to the U.S. and other developed countries and not as we have noted, now or in the future to greenhouse gas emissions of developing countries, like Brazil, India, South Korea, and China. In the case of the second principle “do no serious economic harm in the U.S.,” the U.S. delegation agreed to a target and schedule for achieving it that will require the U.S. to reduce emissions of over 30 percent by 2012 from 1990 levels, which was a recession year in this country. Worst of all, the Convention Parties left all the details on flexibility in achieving the target at least cost to future sessions of the Parties to negotiate.

How harmful would this Protocol be? We can look at a very current and relevant example. This year and last Americans are facing very high oil and gasoline prices, as well as higher natural gas and heating oil prices.

The high gas prices last year caused such a consumer outrage that they have led to Federal investigations amid congressional inquiries. But they are nothing compared to what Americans would endure under the Kyoto Protocol.

The Clinton Administration’s own Energy Information Agency estimated that implementing the Kyoto Protocol would give us an increase in gasoline prices of over 70 cents per gallon. But unlike the current price fluctuations, the Kyoto fuel price increases would be permanent and would continue to grow.

High energy prices don't just effect American consumers. They would drive many American agricultural producers, manufacturing and transportation companies right out of business or out of the country.

Independent economic studies placed the job losses caused by the Kyoto Protocol in the millions.

And for what? The Kyoto Protocol has no hope of achieving its stated goal. How can it reduce global greenhouse gas emissions when it excludes more than 130 nations? Nations such as China, India, Mexico, South Korea—all of whom are already among the world's largest producers of man-made greenhouse gases.

Now nearly 4 years later and less than 7 years before the start of the first commitment period, only 34 countries have ratified the Protocol of which only one, Romania, is a developed country. Most importantly, the details still remain unresolved.

They include a package of issues on implementation not only of the unfinished Protocol, but also the Convention. Included in them is a proposal for an annual \$1 billion contribution, beginning 2005 by developed nations to a fund for developing nations, with the U.S. paying half under an April draft paper by the Convention's current President, Jan Pronk of the Netherlands. That proposal, to our knowledge, has never been considered by the International Relations Committee or other Committees of jurisdiction in Congress.

President Bush has made his intention clear that the U.S. will not become a party to the Protocol as it now stands. In a March 13 letter to several Senators, he wrote:

As you know, I oppose the Kyoto Protocol because it exempts 80 percent of the world, including major population centers such as China and India, from compliance, and would cause serious harm to the U.S. economy. The Senate's vote, 95–0, shows that there is a clear consensus that the Kyoto Protocol is an unfair and ineffective means of addressing global climate change concerns.

At the same time, the President said that he takes the climate change issue seriously and is working on how to address the issue in a "better way."

We realize, of course, that some of our friends in other countries are not happy with the President's position and some have suggested that the U.S. should not participate in the resumed COP–6 process. However, that process, as we said, includes implementation of proposals for money contributions under provisions of Article 4 of the Convention, not the Protocol. All of the COP and subsidiary body sessions are under the Convention. As a Party, the U.S. has a vital interest and a vote. It must participate and to the extent that the Menendez resolution calls for such participation there is no disagreement.

As we examine the proposed "Sense of Congress" subsection (b) of section 788, we find nothing in it that is inconsistent with the above two principles of S. Res. 98 or with the President's letter of March 13 to several Senators. It does not expressly support the Protocol or even suggest that the President should not oppose it for the reasons he stated.

As we understand it, subsection (b) is really in two parts. The first appears to be aimed at not the Convention or Protocol activi-

ties, but at what the United States might do domestically regarding greenhouse gas emissions in this country, which is really not appropriate for a State Department authorization bill. It calls for “responsible action” regarding such gases, without explaining what that “action” should be, what it will cost, what its impact will have on energy supply and price, how or when it will be carried out, who should undertake such action, whether it should be voluntary or regulatory, or what, if any, benefit it will have from the standpoint of “global climate,” as that term is defined in the Convention.

The second merely states that the U.S. “should” continue to “participate in international negotiations,” which, as we understand President Bush’s recent interview with the *Washington Post* in the Oval Office (see p. A22, *Washington Post* edition of 4/25/01), is what he intends when the sixth session of the Conference of the Parties (COP-6) reconvenes in July in Germany. He said we should “work together to come up with a better protocol, a better way, and we will.”

This part of the subsection goes on to say that such participation will have an “objective of “completing the rules and guidelines of the Kyoto Protocol in a manner that is consistent with the interests of the United States and that ensures the environment integrity of the protocol.” Presumably, the authors are not suggesting that objective is the only one involved in the negotiations, because the COP-6 agenda calls for implementation of the Buenos Aires Plan of Action. That FCCC document calls for completion of a “package” of issues involving the Protocol and the Convention and all Parties, including the Clinton Administration, want to resolve the entire package, not just the Protocol issues.

As to the “interests of the United States,” they are encompassed in the two principles of S. Res. 98 and the Protocol is not “consistent” with either.

As to the issue of environmental integrity, the Protocol has none because, contrary to S. Res. 98, it is not global. The developing countries, i.e., China, have no commitments and the issue is not even on the agenda for discussion at COP-6.

This sense of Congress section of H.R. 1646 which, unlike S. Res. 98, was adopted by a bare majority of the Committee (23-20), is vague, unnecessary and inappropriate. We presume that the President will not pay attention to it and he should not. Instead, he should follow the course he started and we support him. It should not be adopted by the House. Accordingly, we intend to offer an amendment during floor consideration of this bill that will strike section 738 of title VII.

HENRY J. HYDE.  
DAN BURTON.  
ILEANA ROS-LEHTINEN.  
CASS BALLENGER.  
DANA ROHRABACHER.  
PETER T. KING.  
RICHARD BURR.  
JOHN COOKSEY.

THOMAS G. TANCREDO.  
RON PAUL.  
NICK SMITH.  
JOSEPH R. PITTS.  
DARRELL E. ISSA.  
ERIC CANTOR.  
JEFF FLAKE.  
JO ANN DAVIS.



#### ADDITIONAL VIEWS IN OPPOSITION TO U.S. EFFORTS TO REJOIN UNESCO

The adoption of the Leach amendment by a vote 23 to 14 authorizing \$60 million in each of the Fiscal Years 2002 and 2003 for the U.S. to rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO) is, in our view, unwise and unwarranted. In addition to serious funding restraints on our ability to rejoin UNESCO, several policies and priorities of this organization appear to be at variance with our foreign policy objectives.

While the Director General of UNESCO, Mr. Koichiro Matsuura, has instituted a number of policy reforms and measures leading to staff reductions and greater accountability, he has admitted that our concerns over continued bad management are legitimate. There are a number of critics who question whether the organization has yet to put in place clear objectives or priorities. David Malone, the former president of the International Peace Academy in New York and a former Canadian Foreign Ministry official in charge of his country's relations with international organizations, is skeptical about the prospects for reform by the new Director General. In his view, Mr. Matsuura faces an uphill battle in turning around an organization which is deeply scarred.

"The problem of UNESCO is that successive heads have turned it into a personal patronage machine, neglecting programs and bloating the staffing," Mr. Malone said. "We used to all know what the UNESCO objectives were. Now nobody knows what UNESCO does beyond the World Heritage sites . . . and whoever consults UNESCO on science now?"

An article from the *New York Times* from March of last year reported that the new Director-General plans to use millions of dollars of his organization's funds to help restore colonial Havana. It is not at all clear why we should be rejoining an organization which is promoting tourism in Cuba and in the process helping to provide hard currency to one of the worst human rights violators in the world.

According to an independent audit by the Canadian government, UNESCO rarely evaluates the cost effectiveness of its programs or sets specific objectives. With an annual budget of close to \$400 million, its new age program includes initiatives such as "Presenting and Revitalizing our Intangible Heritage" and "Planet Society, a Worldwide Exchange Network for a New Art of Living on Earth."

One of the salient arguments from the proponents of this amendment appears to be based on the principle that the U.S. should be a member of every major organization of the United Nations. But why should this be the case? If we really had an extra \$60–\$65 million in additional resources to spend on international organizations, why not direct it to organizations such as the UNICEF or the U.N. High Commissioner for Refugees?

Finally, the U.S. now gives \$2-\$3 million annually to UNESCO in voluntary contributions to cover projects we believe to be worthwhile. If we were to rejoin, we would be obliged to fund the good and the bad projects alike.

We would urge all our colleagues in the House to reconsider this decision and to ensure that our contributions to international organizations are spent in ways that clearly advance our national interests and promote our foreign policy objectives.

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ADDITIONAL VIEWS ON SECTIONS 131–133 (THE GLOBAL  
DEMOCRACY PROMOTION ACT OF 2001)

We commend the Chairman and my colleagues on the Committee for their work on this bill.

The Global Democracy Promotion Act of 2001 overturns the President's January Executive Memorandum reimposing the Mexico City Policy or the global gag rule. This memorandum strips foreign NGOs that implement U.S. population program overseas of their autonomy and their rights to free speech. The President's memorandum prohibits foreign NGO's from using their own non-U.S. monies to offer abortion services in countries where abortion is legal, to counsel women regarding all of their legal options and provide referrals for those services, or to advocate in their own countries for more humane abortion laws. If a similar prohibition were applied to U.S. citizens, it would be unconstitutional.

*U.S. Does Not Fund Abortion*

Let us be clear: U.S. tax payers' dollars do not pay for abortion. It is prohibited by law and has been since 1973. We find it disturbing that the proponents of the Mexico City Policy continue to misstate this *fact*: The United States does not fund abortions overseas nor does it fund abortion-related advocacy.

*Family Planning Programs Overseas Deserve Our Steadfast Support.*

Promoting democracy and nurturing economic growth are the fundamental building blocks of U.S. foreign policy. Key to achieving either of those is reducing poverty. And key to reducing poverty is working with women to make choices about their own physical, emotional, and economic well being, and to ensure that women have the option of taking full advantage of the political, educational, economic opportunities available to them. In short, the key is to enable women to make decisions about the course of their own lives and resources.

Few development programs have made as significant an impact on poverty reduction as family planning. Access to voluntary and quality family planning changes everything because the benefits of family planning programs reach all levels of society—the individual, the family, the community, the nation.

A mother's well being has a direct impact on her children's well being. If a mother suffers from ill health, her infant will have a difficult start. Every year millions of women and children die as a result of births that are too close together, too early, or too late in a woman's life. Access to family planning can prevent early, high risk pregnancies, avoid unintended pregnancies and unsafe pregnancies, allow women to space their children, and stop bearing children when they have reached their reproductive goals. With access

to family planning women, their children, and entire families can enjoy improved health and take advantage of opportunities to improve their overall quality of life.

In addition, in many developing countries, population growth contributes to intensified environmental problems including air pollution, water quality and quantity, deforestation, the loss of wildlife habitat, and further stresses our already finite natural resources. By helping women to plan the size of their families, international family planning programs advance many vital U.S. foreign policy interests: improving the health and status of women, protecting the global environment, and promoting sustainable development which stabilizes communities in nations.

### *Reality In the Developing World*

Reproductive health here in the U.S. is hygienic, readily available, and taken for granted. In developing countries it is more often a matter of life and death. For a woman in some developing countries, pregnancy can be a death sentence. Local clinics are often the only source of health care available and can be several hours walk away. Unfortunately, even today services and supplies are often limited at these clinics. The reality is that in the developing world, 600,000 women a year die due to maternal mortality. Sixty percent of those pregnancies are unintended. Many of these deaths are due to unsafe abortions.

### *Prevention Of Abortion*

The memorandum was reissued with the proposed intention of prevention abortions, but Gag Rule and other similar restrictions do nothing to reduce the incidence of abortion. In fact, while the Global Gag Rule was in place in the 1980's and early 1990's there is absolutely no evidence that it ever had its intended effect of reducing abortion.

Family planning, not restrictive policies, is the most reasonable, economical, and successful means of reducing the frequency of abortion anywhere. The Global Gag rule will do nothing to make abortions more rare. In fact, it will only make abortions less safe.

When these restrictions were first imposed in the 1980's, medical personnel around the world were not informed about what services they could provide. Fears of losing desperately needed family-planning funds, or simply running awry of the U.S. government, led some providers to refuse to treat women with severe complications or infection resulting from unsafe abortions. While President Bush's statements were clear that post abortion care is still permissible, the same fears from a decade ago are reappearing. Women's health and lives will again be in jeopardy.

### *Democracy*

The Mexico City policy imposes new restrictions on free speech. It denies the right of foreign non-governmental organizations to simply talk about abortion, whether it is to provide counseling or referral services or to lobby or advocate on behalf of abortion rights even when it is legal in that country to do so. (Interestingly, President Bush's Mexico City Policy does not contain a restriction for organizations that lobby *against* abortion.)

In effect, the Global Gag Rule makes democracy off limits for our foreign partners involved in the provision of family planning services by denying them vital resources for family planning. Freedom of speech is a cherished right in this country, one of the cornerstones of our democracy and is enshrined in the U.S. Constitution. It is a fundamental liberty which is essential to our identity as Americans.

We would not stand for someone imposing such restrictions on speech in our own country. In fact, a similar law would be deemed unconstitutional in the United States if applied to US organizations.

We cannot talk about promotion of democracy and human rights as the core values of our nation and the cornerstone of our foreign policy on the one hand and undermine these very principles with the policies we implement.

#### *A Violation of Medical Ethics*

The Global Gag Rule also interferes in the provider/patient relationship by undermining a health care provider's ability to provide patients with the full range of reproductive health care options available to them. Under the restrictions it is only allowed in cases of threats to the life of the woman, rape, or incest. And then only if four very specific and outrageous conditions are met. This is particularly offensive in countries where abortion is permitted more broadly. The US government is ensuring that women in developing countries whose only access to health care is through USAID funded clinics will almost never be able to receive the full information entitled to them by their own country laws. This restriction further undermines trust between health care providers around the world and their clients. For these reasons, a similar policy was vigorously opposed—and ultimately defeated—by a unified medical professional community led by the American Medical Association and American College of Obstetricians-Gynecologists in 1991.

#### *HIV/AIDS and Other Infectious Diseases*

Due to lack of adequate infrastructure and lack of access to health services in many developing countries, particularly in sub-Saharan Africa, family planning clinics often double as primary health care facilities and provide multiple services including HIV/AIDS education, testing and treatment. For many women in developing countries, these clinics serve as the only point of contact with the health system. By restricting funds to these clinics, the Mexico City Policy also hinders the fight against HIV/AIDS.

#### *Global Democracy Promotion Act*

The Global Democracy Promotion Act of 2001, by contrast, reflects and promotes what we as Americans broadly support and defend here at home as well as abroad. This Act, based on H.R. 755, introduced by Representative Lowey earlier this year, is very simple. It promotes democratic values by getting out of the way of the desire and ability of foreign NGOs to use their own funds to communicate with their own governments about their own laws. It does not penalize them, as the global gag rule does, for doing so.

It also does not disqualify overseas groups from eligibility for U.S. family planning aid just because they comply with standard medical ethical practice of providing pregnant women with full and accurate information about their pregnancy options. Further, it does not disqualify them from U.S. assistance because they provide legal medical services, including abortion services, with their own funds.

We believe that this is the right approach for international family planning, not the misguided Mexico City Policy.

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